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Monday, April 19, 1841.

Pursuant to the Proclamation of his Excellency the Governor the following members of the House of Representatives appeared in the Hall of the House on the 19th day of April in the year of our Lord One thousand Eight Hundred & forty-one, to wit:

From the County of Autauga, Benjamin Davis, Absolem Dozier
" " Baldwin, Gerald B. Hall
Benton, Thomas A Walker, J. C. A. Hughes
and Stephen Kelly
Bibb—David E. Davis, S. W. Davidson
Blount—Era E McMillon, Godfrey Fowler
Butler, Walter H. Crenshaw, Edward Bowen
Chambers, Charles McLemore, Leroy McCoy
Cherokee—John H. Garrett
Clarke, W. F. Jones
Conecuh—W. A. Bell
Coosa, W. W. Morriss
Covington, Laird B. Fleming
Dallas, William H. Norris, Daul H. Norwood
DeKalb—William O. Winston, Andrew Wilson
Fayette, E. Marchbanks, Wilson Cobb
Franklin—Robert A Baker, Benjamin Reynolds, Elijah McCullough
Greene, Solomon McAlpin, Elisha Young
Henry, Alexander Blackshear
Jackson—Joshua Mann, James Smith
and James Russell
Jefferson, L. G. McMillion, Jeremiah Randolph
Lawrence—J. W. Walker, James E. Saunders
and Hartwell King
Lauderdale, H. D. Smith, J. R. Alexander
and J. Douglass
Limestone, John H. Lynn, Nathaniel Davis
Lowndes—John J. Hunter, Robert B. Campbell
Madison, David Moore, Jeremiah Clemens and
William McCoy—
Marengo—James W. Davenport
Marion—Thomas C. Moore
Marshall, Wm. M. Griffin, James W. Adams
Mobile—C. C. Langdon, A. C. Coltinger, Thomas McC.
Prince and Joseph Bates
Monroe, E. T. Broughton, Leroy A. Kidd
Morgan—Milton McClannahan, C. C. B. Strode
Montgomery, J. J. Hutchinson
Perry—A. L. Bradley
Pickens—W. McGill, D. Peterson

Pike—Luke P. Primmont—S. Dixon
Randolph—T. J. Adrian
Russell—B. S. Marquis
Shelby—Wade H. Griffin, Wm J. Peters
St Clair—Orran M. Roberts
Sumter—Wm M Inge, John A. Winston & Blake Little
Talladega—George Hill, Samuel F. Rice
Tallapoosa—Charles Stone
Tuscaloosa—R. Denison Jr James G. Blount
Isaac Mitchell and H. Perkins
Walker—E. Mallard
Washington—S. S. Houston
Wilcox—M. M. Pegues and K. R. Womack

On motion of Mr Reynolds Mr McAlpin was called to the Chair & J. B. Sumtall acted as Clerk

Mr William McCary a member from the County of Madison, appeared, was qualified and took his seat

Mr Speaker—the Hon. Robert A Baker who was duly elected Speaker at the last annual session of the Legislature then took the Chair, and the House proceeded to business

Mr Speaker laid before the House a Communication from John Tatum, informing the body of his resignation of the Office of door Keeper which was read & ordered to lie on the table

The House then proceeded to the election of a door Keeper, to fill the vacancy occasioned by the resignation of John Tatum, James A. Owen alone being in nomination and having received all the votes given, being a majority of the whole number

Mr Speaker declared him duly elected Door Keeper to the House, he was qualified and entered upon the duties of his office

Mr Speaker laid before the House the resignation of James A. Owen, a Messenger which was read & laid on the table

The House then proceeded to the election of a Messenger to fill the vacancy occasioned by the resignation of James A Owen—Joseph Stroup, Thomas M. Gleason and Jack Gleason being in nomination

Those who voted for Joseph Stroup are Messrs Speaker, Adams, Alexander, Blackshear, Campbell, Clement, Davis of L. Fowler, Griffin of M. Hill, Jones, King, Mallard, Manchbanks, Mc Cary, Mc Clamahan

Mr Cullough Mr Simons Mr Millin of B Mr Millin of L Moore of Marion Morris Randolph Rice Russell Smith of L Strode Walker of L Mann & Wynn

Those who voted for Thomas M Gleason are messrs Adrian Cobb Davis of Ch Dixon Garrett Houston Haughs Kelly Moore of Marion Reynolds Saunders Smith of L Stone Walker of B Wilson Winston of D & L Minton of L

Those who voted for Joel Gleason are Messrs Bates Bell Blount Bowen Bradley Broughton Crenshaw Davenport Davidson Davis of B Dosier Flemming Griffin of L Hall Holliger Hunter Hutchinson Ingo Jemison Kidd Langdon Little Mangum McAlpin McCoy McGill Mitchell Morris Norwood Pegulese Perkins Peters Peterson Prince Robert Simmons Womack & Young Neither of the Candidates having received a majority the house proceeded to vote a second time

Those who voted for Mr Stroup are messrs Speaker Adams Adrian Alexander Black Shear Campbell Clements Cobb Davis of Ch Davis of L Dixon Douglass Fowler Garrett Hall Haughs Jones Kelly King Mallard Marshbanks McCoy McCulloch McClanahan McCullough McSimons McMillin of B McMillin of L Moore of Madison Moore of Marion Morris Randolph Reynolds Rice Roberts Russell Smith of B Smith of L Stone Strode Walker of B Walker of L Mann Wilson Winston of D & L & Wynn

Those who voted for Thomas M Gleason are messrs Houston McAlpin Saunders and Winston of L

Those who voted for Joel Gleason are messrs Bates Bell Blount Bowen Bradley Broughton Crenshaw Davenport Davidson Davis of B Dosier Flemming Griffin of L Hall Holliger Hunter Hutchinson Ingo Jemison Kidd Langdon Little Mangum McCoy McGill Mitchell Morris Norwood Pegulese Perkins Peters Peterson Prince Simmons Womack Young

Mr Stroup having received a majority of the votes given Mr Speaker declared him duly elected Messenger to the House — he was qualified and entered upon the discharge of the duties of his office

Mr Hall offered the following resolution
Resolved - That for the Convenience of the members of the House that each member occupy the same seat he occupied last Session
Mr Bates moved to amend by inserting Mr Winston of Sumter moved to lay the resolution on the table which was lost
Mr Bates moved to amend by inserting after after "member" the words "have the privilege to" which was Carried
The resolution as amended was then adopted
Message from the Senate by Mr Hill their Secretary
Mr Speaker
I am attended by the Senate to inform the House of Reps that a quorum of the Senate have Convened in the Senate Chamber and are now ready to proceed to the discharge of public business
I am also instructed to inform the House of Reps that George B. Clifferal has been elected assistant Secretary to the Senate to fill the vacancy of M. Gordon Esq who has failed to attend
The message was laid on the table
Mr Morris offered the following resolution which was adopted
Resolved - That the Senate be informed that the House of Reps have assembled and that they have elected James N. Owen Door Keeper to fill the vacancy occasioned by the resignation of John Tatum and have also elected Joseph Stroup Messenger in place of James N Owen resigned
Mr Davis of A. offered the following resolution
Resolved - That a Committee of three members be appointed on the part of the House to act with such Committee as may be appointed on the part of the Senate, to inform the Governor that the two houses are now Convened in accordance with the Proclamation of the Governor and are ready to receive any Communication he may think proper to make which was ~~[illegible]~~ On motion of Mr Reynolds laid on the table

A message was received from the Senate by Mr Reid Mr Speaker

The Senate has adopted the following resolution.

Resolved, That By the Senate, that a Committee of two, be appointed to act jointly with such Committee as may be appointed on the part of the House of Reps. to wait upon his Excellency the Governor and inform him that the two houses are now organized and ready to receive any Communication, which he may deem proper to make Messrs Reese and McVay have been appointed Said Committee on the part of the Senate. The Message was laid on the table.

The resolution offered by Mr Davis was then taken up on the table and adopted whereupon Messrs Davis of St Clair & Moore of Madison were appointed

Ordered That the Clerk inform the Senate

Mr Rice introduced a Bill to be entitled an act making a more equal and just distribution of the Bank Bonds Capital of the State of Alabama and for other purposes, which was read the first time and ordered to a 2nd reading

Mr Walker of L. introduced a Bill to be entitled an act to authorize the Governor to issue his Proclamation for an election of members to the 27th Congress.

Mr Davis of St moved to postpone the further Consideration of the Bill until to-morrow

On motion of Mr Langdon the House then adjourned until to-morrow morning 10 o'clock

Tuesday April 20th 1841

The House met pursuant to adjournment
which was Called to Order by the Speaker
Eldred W. Williams a Representative from
the County of Jackson. J. W. Mann a Repre-
=sentative from the County of Barbour and James
Pynes a Representative from the County of Henry
appeared in the Hall of the House were qualified
and took their Seats

Mr Rice offered the following resolution
Resolved That the rules adopted at the late
Session of this House shall govern the proceedings
of the present Session, which on motion was
laid on the table.

Mr Norris presented a petition from
Sundry citizens of Dallas County praying the
Legislature to raise the fees of Justices of the
Peace and Constables in said County which
was referred to the Committee on the Judiciary

Mr Reynolds presented the petition of
Sundry citizens of Franklin and Lawrence Counties
praying the Legislature to authorize Howd Baker
to erect grind Corn & Wheat at their Steam Mill which
was referred to the delegation from Franklin County

Mr Reynolds also presented the petition
of Sundry citizens of Franklin County in relation
to the State Bank and Branches which was read
and referred to the Committee on the State Bank
and Branches

Mr Young presented the petition of Sundry
citizens of Greene County praying the passage
of a law extending the jurisdiction of Justices
of the Peace in said County which was referred
to the Judiciary Committee

Mr Pickett presented the Petition
of Sundry Citizens of Jackson County
praying an appropriation for Paint Rock
River which was referred to the Committee
on Roads Bridges & Ferries

Messrs Saunders & Moore of
Madison presented accounts which were
referred to the Committee on Accounts

Mr Langdon presented the Petition
of Peter Martin & others which was refer-
=red to the Committee on Privileges & Elections

Mr Saunders introduced a joint resolution restricting the action of the two Houses which lies over one day

Mr Huntington introduced a Bill to repeal an act entitled an act to establish the General Circuit System in Elections for Representatives in Congress from the State of Alabama which was read & ordered to a 2nd reading

Mr Norrod introduced a Bill to incorporate the Warrenton Male & Female Academy in the County of Dallas which was read & ordered to a 2nd reading

Mr Dixon introduced a Bill to repeal an act entitled an act to raise a fund for the payment of Jurors for the County of Pike approved Dec 21st 1840 & for other purposes which was read & ordered to a 2nd reading

Mr Moore of Madison introduced a Bill to amend the Charters of the Bank of the State of Alabama and its several Branches & for other purposes which was read & ordered to a 2nd reading

Mr Langdon introduced a Bill in relation to the Harbour of Mobile which was read & ordered to a second reading

Mr Douglass Called up the resolution from the Senate proposing that a Committee of both houses should wait on the Governor & see if he had any Communication to make, which was laid on the table yesterday

The resolution was Concurred in and Messrs Davis of C. Reynolds & Young were appointed

The House then proceeded to the orders of the day

The Bill making a more equal & just distribution of the Banking Capital of the State of Alabama & other purposes was read the second time and ordered to a Select Committee Consisting of the delegations from Talladega Randolph Tuscaloosa & Baxtown

Mr Mitchell introduced a Bill to repeal

an part an act entitled an act in relation
to 16th Sections approved Feby 4 - 1840
which was read & ordered to a 2nd reading

Mr Jones offered the following
resolution.

Resolved That 100 Copies of
the rules of this House be printed for
the use of the members of this House
which was rejected

Mr Hall introduced a Bill
to declare Bear Creek a public highway
which was read & ord to a 2nd reading

A message from the Senate
by Mr Hill, its Secretary

Mr Speaker

The Senate has passed a Bill to
be entitled an act to change an election
precinct in the County of Dallas

The Senate has adopted a Memorial
& Joint resolution of the General Assembly
of the State of Alabama in relation to the
Land district in the Cherokee nation

The Senate has also passed
a Bill to compensate Elijah Hamburger

In which they ask the Con
currence of the House of Representatives

Bills from the Senate of the
following titles

An act to compensate Elijah
Hamburger and

An act to change an election
precinct in the County of Dallas also

A Memorial & Joint resolutions
of the General Assembly of the State of
Alabama, were severally read & ordered to
a second reading

Mr Davis of Ct made the following
report

Mr Speaker

The Committee appointed on the part
of the House to act with a Committee appointed
on the part of the Senate to wait on the Governor
and inform him that a quorum of the two houses
have met according to his Excellency's proclama-
tion bearing date the 29th day of March

Lash and are ready to receive any Communi-
-cation he may think proper to make
have performed that duty and have received
for answer that he will Communicate in
writing on this day at 11 Oclock A.M.
which was laid on the Table

On Jemison introduced a Bill
to Compensate Daniel Goree, and also
a Bill to amend the Charter of the
City of Tuscaloosa which were severally
read & ordered to a 2nd reading

On Hollinger introduced a Bill
to alter and amend the several acts in
relation to the public roads in the City of
Mobile- which was read & ordered to a
second reading

On Hutchinson introduced a Bill
to amend and explain an act entitled an act
to authorize the Commissioners of Township
16- Range 17 of Montgomery County to erect
a suitable Building for an academy, which
was read, and the Constitutional rule being dis-
-pended with was read a second & third time
for with & passed

Ordered that the Clerk ~~xxxxxx~~
the transmit this Same to the Senate for their
Concurrence

On McGill introduced a Bill to
Secure a homested to every family in this
State- which was read

On McLemore moved that the Bill be
indefinitely postponed which was Lost- Yeas 40 Nays 45
The Yeas & Nays being demanded those who
voted in the affirmative are Messrs Speaker
Adrian, Alexander, Bell, Blackshear, Bowen
Bradley, Dawson, Davis of Ct, Dixon, Douglass
Fowler, Hall, Hughs, Hunter, Jemison, Jones, Kelly
Lobb, McCary, McClannahan, McCoy, McCullough
McLemore, McMillion of B- McMillion of S.
Mitchell, Moore of Madison, Morris, Mosely
Pyres, Randolph, Reynolds, Roberts, Saunders
Smith of L, Strode, Walker of B, Williams
Winston of S

Union Wins of Limestone

Those who voted in the negative are Messrs
Blount, Broughton, Campbell, Clemens, Cobb, Cunningham
Davis of B, Davis of L, Dowdell, Fleming, Garrett, Griffin
-fin of M, Griffin of S, Hall, Hallingor, Hayton

Hutchinson, Inge, Kidd, Langdon, Mangum, Mallard
Mann, Manchan, McAlpin, McGill, Moore of
Marion, Morris, Norwood, Pegues, Perkins
Peters, Pickens, Prince, Rice, Russell, Simmons
Smith of S. Walker of L. Wann, Wilson, Winston
of D & K. Womack and Young -

The Bill was ordered to a second reading

Mr Kidd introduced a Bill to change the the time of holding the Chancery Court for the Southern division at Monroeville which was read & ordered to a 2nd reading

Mr Prince introduced a Bill to regulate damages in the Supreme, Circuit & County Courts, which was read & ordered to a second reading

A Message was received from the Governor by A. D. Bagby his Private Secretary which said Message is as follows

Executive Department
Tuscaloosa, April 19th. 1841.

Gentlemen of the Senate & of the House of Representatives.

The President of the United States having by Proclamation, bearing date the 17th day of March last, required Congress to convene on the 31st day of May next, & the period for which the members of the House of Representatives of the Congress of the United States from the State of Alabama, having according to the established usage of the Government, expired on the 4th of March last, and there being no provision in the laws of this state for the election of members of the popular branch of the National Legislature, before the first monday in August next; I have considered it my duty under the power confided to me by the Constitution, to convene the Legislature, ~~for~~ ~~order~~ to provide by Law, for the election of members of the House of Representatives, at a time prior to the period fixed by the existing law, so that the people of Alabama may not be unrepresented in this extra Session of Congress. I beg leave therefore, to recommend the passage of a law providing for the election of members of the House of Representatives in the Congress of the United States, at the earliest period consistent with a free & ample exercise of the elective franchise, which ought never to be abridged or impaired; and in order to guard against a similar difficulty in future, the law had better be general in its character.

It would be entirely superfluous to add, that requiring an extra Session of the Legislature was a measure resorted to with extreme reluctance on my part; and that no consideration but imposing them securing to the people of Alabama, in the present peculiar and deeply interesting crisis of our public affairs, the inappreciable right

of-

of being fully represented, could have justified it, attended as it ne-
=cessarily must be, with great personal inconvenience to the mem-
=bers of the Legislature, & considerable public expense. Believing
it not improbable, from the indications then afforded, that those
who were about to succeed to the administration of the affairs of
the Government of the United States, might think it necessary in order
to carry into practical operation & effect, the principles which they
doubt honestly believed to be involved in the issue of the recent election
of a Chief Magistrate of the Union, that Congress should be convened
earlier than the regular period fixed by law for the meeting of that
body; and anxious that the people of Alabama should be fully represented
at the very commencement of that disastrous political career, which
to my mind had been too perceptibly shadowed forth by the result of the
Presidential election; on the 19th of December last, I took the liberty of
submitting a special message to the General Assembly, respectfully recom-
=mending the passage of a law to provide for the contingency which has
since happened. And if with the lights by which I was then aided,
the utmost necessity was discovered for the most unremitting vigilance
on the part of those who occupy the responsible places of guardians
of the public interests, & the sincerest apprehensions were felt that
the government of the United States, in which we have a stake of incal-
=culable value, was not likely to be conducted upon those pure and
unerring principles of democracy which have always prevailed in
the better days of the Republic, candor impels me to the declaration,
that those apprehensions have not been abated or diminished by events
which have since transpired. It may be safely asserted as a general
principle, to the correctness of which all will probably accede, that no pub-
=lic functionary is justifiable in resorting to the exercise of the extraordinary
powers with which he is invested, except in cases of imperious necessity;
and where the exercise of the ordinary powers with which he is clothed,
is inadequate to the emergency which renders a resort to the extraor-
=dinary powers necessary & proper. And in all cases before the exercise
of extraordinary power is resorted to, the necessity for it should be clearly
shown to exist. It is, therefore, considered unfortunate, & not cal-
=culated to allay the apprehensions of a patriotic people, jealous of
their rights & watchful of their servants, that the President of the
United States should have thought it his duty to convene Congress at
a time not only unusual, but within less than ninety days, after
the adjournment of that body; and at an expense, not to be lightly
estimated in these times, without stating clearly & distinctly his
reasons for doing so, in order that generous & confiding people might
understand the necessity which existed at the time, for continuing
to subject them to an increase of those burdens, which they had been
repeatedly told were grievous & oppressive, & which they had been solem-
=ly assured, in almost all the varieties of promise, should be quickly di-

minished

=minished, if not taken off entirely.

The derangement of the currency is to be seen alluded to as the reason why it is necessary for Congress to assemble; and so it has perhaps with equal justice been assigned as the cause of all the public & private misfortunes, rail road & steam boat accidents that have taken place since the guardian genius of an United States Bank has been withdrawn from us. If by providing or relieving against the acknowledged evils of a deranged & disordered currency, is meant the establishment of a National Bank, let the question be stript of all disguises, & fairly presented at once. But to be continually bewailing the unsoundness & depreciation of the currency without the moral courage to propose a remedy, not only implies a want of candor on the part of those who indulge these complaints, but would really seem to be, rather a bold experiment on the discernment & the credulity of the people.

There is one other subject, connected with our relations to the federal government, & with the public acts of a distinguished public officer, now no more, which nothing but an imperious sense of duty, could, at this time induce me to notice. And I notice it with the distinct avowal that it is not for the purpose of attempting to inflict censure, much less to cast reproach on the acts or memory of the dead, but to awaken the living to a sense of the danger which threatens their rights & their principles. I allude to the appointment of those to high offices under the federal government, whose deliberately formed, well settled, long cherished & often repeated political opinions upon subjects of vital importance are known to be at war with the rights & interests of the Southern people, the principles of democratic republican government, & the true theory of the Constitution. Whatever coloring or complexion may be put upon it now, history, stern inflexible history, faithful to its office, which is to make an imperishable record of the conduct & actions of public men, will not fail to pronounce impartial judgment on the propriety of appointing to one of the highest offices under the government of the United States, a man, who exerted those great talents, which seem now to constitute the wonder & admiration of thousands, in opposition to the honor & interest of his country, in the darkest hour of her peril.

But this is not perhaps the proper time or a suitable occasion to enquire into the sufficiency of the reasons which, in the opinion of the President of the United States, rendered it necessary to exercise the power vested in him by the constitution, & to require an extra session of Congress; to enquire with scrupulous vigilance into the opinions & qualifications of those he had selected to aid him in the administration of the government; or to scan the propriety of his public acts. Since the performance on his part of the act which rendered it necessary in my judgment for you to assemble here,

that

that distinguished individual has been suddenly cut off by the hand of providence from all participation in the affairs of men, & has ceased to be numbered among the living. And for one what-=ever may have been my objections to his election, & they were strong, sincere, uncompromising & decided on principle, I am perfectly disposed to spread the veil which covers human imperfections on all his errors, without pretending that he had more than falls to the lot of other men; to do him the justice to suppose that in his official acts he was governed by a patriotic sense of public duty; & to remem-=ber his virtues only.

But while I cheerfully accord to a distinguished & departed citizen, honesty of purpose, & a lofty attachment to principles which he no doubt believed to be correct, I should be unmindful of truth & forget-=ful of all the principles, upon the sacred observance of which I believe our hap-=piness as a people depends, did I not distinctly aver that in politi-=cal sentiments, so far as his have been expressed, or are to be inferred from his public acts, I differ with him, & most of those by whom he was elected, in almost every essential particular. And perhaps, after all, an honest difference of opinion candidly indulged, & confined within the limits of prudence, moderation & patriotism, affords the best guarantee for the continued preservation of our liberties & happiness.

It is impossible to recur to the signal dispensation of an all righteous Providence in the death of the late President of the United States, without being forcibly admonished of the extreme uncertain-=ty of all the affairs of this fleeting & transitory life, & with the lit-=tleness & exceeding vanity of human ambition; & without being solemnly impressed with the momentous weight of the awful & in-=structive truth, that success in the accomplishment of the highest objects of earthly gratification, is but another step to that eternal & unchangeable state, to which magistrate & people are alike hasten-=ing; and where no distinctions are recognized but those that flow from excellence & virtue. What is to be the effect of this unexpected event upon the administration of the affairs, & the general policy of the gov-=ernment of the United States, for the remainder of the period for which General Harrison was elected, time, the great unfolder of events, can only determine.

The Vice President elect, will of course, according to the constitu-=tional provision upon that subject, succeed to the powers & duties of the President of the United States for the term of four years from the fourth of March last.

From a general view of the present condition of the various depart-=ments of the public interest, I am not aware that any thing will impe-=riously require the attention of the Legislature, except the subject which brought you together.

In your

In your high public character, however, as representatives of the people, it will be entirely competent for you to embrace within the sphere of your deliberations, any subject which, in your judgment, the public interest may require. But from the very short time which has elapsed since your last adjournment, & considering the busy & interesting season of the year at which it has become necessary to call you from your families & accustomed occupations; & especially, taking into view the important consideration of public economy, with a just sense of which I have no doubt you will be fully impressed, I entertain the confident expectation that your interest as citizens, & your duty as representatives, will alike indicate the necessity of prompt attention to the important subject which rendered it necessary for you to assemble, & a speedy return to the bosom of your constituents.

A. P. Bagby.

Mr Douglass moved to lay the message on the table, and that 2000 Copies be printed,

A division of the question being called for, the vote was first taken on laying the message on the table and Carried

The vote was then taken on ordering 2000 Copies to be printed and Carried

Yeas- Messrs Speaker Adams, Adrian Alexander, Bell Blackshear, Clemons, Cobb Davis of G. Dav. of B. Davis of L. Douglass Fowler, Garrett, Griffin of M. Hill, Howell Hughes, Jones, Kelly, King, Mallard, Manchaca McCay, McClanahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Moore of Marion, Morris Paynes, Randolph, Reynolds, Rice, Robertson, Russell, Saunders, Smith of I. Smith of S Stow, Strode, Walker of B. Walker of L Ware, Williams, Wilson, Winston of Dek Winston of S. Wynne - 50

Nays - Messrs Bates, Blount, Bowen Bradley, Broughton, Campbell, Cheshaw Davidson, Dixon, Doster, Flemming, Griffin of S. Hall, Hallinger, Hunter, Hutchinson Ingo, Jemison, Kidd, Langdon, Little-Mangum, Mann, McAlpin, McCoy McGill, McLemore, Mitchell, Murphy Norris, Norwood, Pegues, Perkins, Pelan Peterson, Price, Simmons, Womack & Young

And then the House adjourned till to-morrow morning 10 o'clock

Wednesday April 21st 1841

The House met pursuant to adjournment

Mr Ashurst a Representative from the County of Montgomery
Mr. C. Hale from the County of Chunchu and
J Spruil from the County of Pickens, appeared in the
Hall of the House of Representatives and took their
Seats

Mr. Speaker laid before the House a
Communication from the President of the Branch
Bank at Mobile which was read,

Mr. Houston moved to lay the Communication on
the Table and Print 150 Copies the question
being divided the Vote was first taken to lay on
the Table and Carried — the Vote was then taken
to Print and Carried

Mr. Speaker also laid before the House a
Communication from the Cashier of the Branch
Bank at Mobile which was read, and ordered to
lie on the Table

accounts were presented by Messrs Mann
McCoy Morris and Davis of L. they were severally
read and referred to the Committee on accounts.

Mr Little presented the petition of Sundry Citizens
of Sumter County which was read and referred to the
Judiciary Committee of Sumter

Mr Minister of Sumter presented the petition
of Sundry Citizens of Sumter which was read and referred
to the Committee on Propositions and Grievances.

A Message was received from the Governor by
L D. Bagby his Private Secretary which is as follows

Executive Department
Tuskaloosa April 21st 1841.

Sir

I have the honor to lay before the House of
Representatives a List of appointments of officers made
to be filled by the General Assembly since your last
adjournment

Very Respectfully
Signed A.P. Bagby

Hon R A Baker
Speaker of the House of Reps.

Ordered that said Communication with the
accompanying document lie on the table

Mr Rice from the Select Committee to whom was referred the Bill making a more equal & just distribution of the Banking Capital of the State of Alabama & for other purposes; reported the Same back in his hand &c

Mr Reynolds moved to lay the Bill on the table and to print 100 Copies — the question being divided the vote was first taken on laying the bill on the table & Carried — the vote was then taken to print & Lost

A Message from the Senate by Mr Hill Mr Speaker

The Senate has passed Bills of the following titles to wit:

An act to authorize the Commissioners Court of Madison County, to borrow money not exceeding fifteen thousand dollars

An act to repeal an act to incorporate the Town of Lenoir in the County of Marengo.

An act requiring the Clerks of the Circuit and County Courts of Marengo County to make and keep a record index in all Cases decided in their respective Courts & for other purposes — In which the Concurrence of the House is requested:

Mr Snoden offered the following preamble and Joint Resolutions

Whereas Gen. William Henry Harrison late President of the United States — has been Cut off by an all wise and inscrutable Providence, from further participation in the affairs of men — in the administration of which the voice of his Country had Called him to the most honorable and responsible position known to the nations of the Earth: and whereas the bitterness of party strife which marked the recent presidential Canvass — had appeared only to the political principles involved or supposed to have been involved, in that issue, and did by no means apply to the person of the illustrious Citizen over whose grave the nation now mourns — and who having Ceased to animate, or participate in the angry and stormy Contests of the hour — has left his name not to any particular party, but to his whole Country — his deeds in the field — his Virtues as a man and his renown as a Statesman — Can no longer be be regarded as belonging only to those whose political views accorded with his own —

but have passed to the keeping of his whole Country, and like the deeds and actions of all our other great and good Citizens is added to swell the sum of our national glory — and we mourn over him not as the leader of a party, for as such we now express no opinion — but we lament the untimely death of the American President — not after the formal and ostentatious manifestations of Grief, such as a bound down and oppressed people are made to display — when a Satraps mandate bids them mourn — that one despot has been exchanged for another — but here although we publish all orders a marble obelisk to arise inscription Tongued — to speak the words of flattery and Sycophantic praise to after times, for we present, what wealth Could never buy — what power Could never extort — what art Can never imitate — the mighty and holy tribute of a nations Sorrow over the grave of an illustrious patriot. ~~Statesman~~.

Therefore Be it resolved by the Senate and House of Representatives of the State of Alabama in General assembly Convened that we unite with our Country in bewailing the death of General William Henry Harrison late President of the United States, and that his Excellency the Governor be requested to Convey to the widow of General Harrison an attestation of the Sincere Condolences of the State of Alabama under the afflicting dispensation of Providence which has marked him as Chief mourner in a national visitation

2.° and be it resolved

That we will wear the usual badges of mourning for thirty days, which were adopted unanimously

The yeas are as follows:

Messrs Speaker, Adams, Adrian, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Cruikshank, Davenport, Davidson, Davis of A. Davis of Bibb, Davis of L. Dixon, Dozier, Fleming, Fowler, Garnett, Griffin of M. Griffin of S. Hale, Hall, Hill, Hollinger, Houston, Knight, Hunter, Hutchinson, Ingle, Jemison, Jones, Kelly, Kidd, King, Langdon, Little, Mangum, Mallard, Mann, Manchester, McAlpin, McCary, McClannahan, McCoy, McCullough, McGill, McLemore, McMillan of B. McMillan of S. Mitchell, Moon of Madison, Moon of Marion, Morris, Murphy, Norris, Norwood, Pegues, Perkins,

vv

Peter, Peterson, Prince, Pryne, Randolph

Reynolds, Rice, Roberts, Russell, Saunders
Simmons, Smith of G, Smith of L, Spruill
Strode, Walker of S, Walker of L, Wamm—
Williams, Wilson, Winston of D, Winston
of L, Womack, Wynn & Young →

On motion of Mr Clement
Resolved That for the purpose of
manifesting a proper degree of respect to the
memory of the late President this House
will adjourn until to-morrow morning 9 o'clk
And then the House adjourned until
9 o'clock to-morrow morning

Thursday
~~Wednesday~~, April 22. 1841

The House met pursuant to adjournment

Wm. P. Shanks a Representative from the County of Barbour & Wm B. Moores a Representative from the County of Marengo appeared in the House and took their seats

Mr Davis of L. presented the petition of sundry Citizens of Limestone County, praying the Legislature to authorize the Commissioners of Limestone County to levy a Special tax for the purpose of building a Jail which was referred to the delegation from Limestone

Mr Langdon presented a Communication from a large meeting of the Whig voters of Mobile Containing Certain resolutions in relation to the General ticket System, which was read,

Mr Langdon moved that the Communication be Spread on the journal, the yeas & nays being demanded the motion was last—yeas 36—nays 53

Yeas—Messrs Alburst, Bates, Bell, Blount, Bowen, Bradley Broughton, Campbell, Cleaveland, Davidson, Davis of B. Dosier, Griffin of S. Hall, Hollinger, Inge, Jemison, Kidd, Langdon, Little, Magruman, McCoy, McGill, McLemore, Mitchell, Moores, Murphy, Norris Norwood, Peter, Peterson, Prince, Shanks, Simmons, Sprull.

Nays—Messrs. Speaker, Adams, Adrian, Alexander, Blackshear Clemens, Cobb, Davis of C. Davis of L. Dixon, Douglass, Fleming Fowler, Garrett, Griffin of M. Hale, Hill, Houston, Hughs, Hutchinson Jones, Kelly, King, Mallard, Marchbanks, McCay, McClannahan McCullough, McMillion of B. McMillion of S. Moore of Madison Moore of Marion, Morris, Rynes, Randolph, Reynolds, Rice, Robert, Rudisill, Saunders, Smith of D. Smith of C. Stone, Strode, Walker of B. Walker of L. Wann, Williams Wilson, Winston of D. Winston of S. Wynn & Young

Mr Broughton, presented the Petition of Sundry Citizens of Monroe praying a Special Session of Monroe Circuit Court, which was refd to the delegation from Monroe

Mr Hunter presented the petition of Robt Smith & W. H. Jarman Citizens of Autauga County praying to be attached to the County of Lowndes which was read and referred to the delegation of Autauga and Lowndes.

Messrs McLemore & Hunter presented accounts they were read and refrd to the Committee on accounts.

Mr Reynolds from the Select Committee to whom was referred the petition of sundry Citizens of Franklin County reported a Bill to authorize the owners of the Shaw mill on Poplar Creek in Franklin County to charge the Toll for toll for Grinding which was read, and ordered to a second reading.

Bills from the Lists of the following titles to wit:

An act requiring the Clerks of the Circuit and County Courts of Marengo County to make & keep a general index in all Causes decided in their respective Courts and for other purposes.

An act to repeal an act entitled an act to incorporate the Town of Linden in the County of Marengo.

An act to authorize the Commissioners Court of Madison County to borrow money not exceeding fifteen thousand dollars

were severally read, and ordered to a second reading.

Mr Bates introduced a Bill to be entitled an act to amend the Charters of the Bank of Mobile and the Planters and Merchants Bank of Mobile, which was read the first time, the Constitutional rule being dispensed with, it was read the 2nd time forthwith, and referred to the Committee on the State Bank & Branches.

Mr Hutchinson introduced a Bill to be entitled an act to provide for electing representatives to the next Congress of the United States, which was read the first time.

Mr Bates moved to postpone the further Consideration of the Bill until to-morrow at 11 o'clock and make it the Special order of the day for its second reading which was lost.

Mr Winston of Dek moved to suspend the Constitutional rule, and give the Bill its Second reading forthwith, which was lost.- Yeas 65- nays 28

The yeas and nays being demanded, those who voted in the affirmative are

Speaker Adams, Adrian, Alexander, Blackshear, Brown, Broughton, Clemens, Cobb, Davis of A. Davis of B. Davis of L. Dixon, Douglas, Fowler, Garrett, Gaspar of Ch. Gaspar of Mk. Hall, Hollinger, Hamilton, Hughes, Ingo, Jones, Kelly, King, Langdon, Little, Manning, Mallard, Marchbanks, McAlpin, McCay, McClanahan, McCullough, Mumford of B. Mumford of L. Moore of Mad. Moore of Mar. Morris, Murphy, Norris, Peterson, Ryan, Randolph, Reynolds, Rice, Roberts, Rapier, Sanders, Shanks, Simmons, Smith of L. Smith of Lau, Spencer, Stone, Shorter, Walker of B. Walker of L. Ward,

Williams Wilson Winston of D. Winston of S. Womack, Wynn & Young.

Those who voted in the negative are Messrs Ashurst, Bate, Bell, Blount, Bowen, Bradley, Brockenbrough, Campbell, Cleveland, Cochran, Davidson, Dixon, Douglas, Fowler, Garrett, Griffin of Hale, Hill, Hughes, Jones, Kelly, King, Mallard, Markham, McCary, McClannahan, McCullough, McMillan of B. McMillan of D. Moon of Madison — Moon of Marion, Morris, Pynes, Randolph, Reynolds, Rice, Robert, Russell, Saunders, Simmons, Smith of D. Smith of L. Starr, Strode, Walker of A. Walker of L. Wann, Williams, Wilson, Winston of D. Winston of S. Wynn.

Those who voted in the negative are Messrs. Ashurst, Bate, Bell, Blount, Bowen, Bradley, Brockenbrough, Campbell, Cleveland, Cochran, Davenport, Davidson, Davis of B. Foster, Fleming, Griffin of S. Hall, Halliger, Houston, Hunter, Hutchinson, Inge, Jemison, Judd, Langdon, Little, Maugum, Mann, McAlpin, McCary, McGill, McLemore, Mitchell, Moores, Murphy, Norris, Norwood, Perkins, Peters, Peterson, Prince, Shanks, Spruill, Womack, and Young — the Bill was ordered to a second reading to-morrow.

Mr Smith of L. moved that the Bill be made the special order of the day for its second reading to-morrow 12 o'clock.

A division of the question being called the question was first taken on ordering the Bill to a second reading to-morrow and carried.

The question was then on making the Bill the special order for to-morrow 10 o'clock & lost

Yeas 43 - Nays 50

The yeas and nays being demanded
thos who voted in the affirmative are Messrs
Speaker, Adams, Adrian, Alexander, Blackshear
Cobb, Davis of Lt. Davis of S. Dixon, Douglass
Fowler, Griffin of W. Hale, Hill, Hughs, Jones
Kelly, King, Marchbanks, McCay, McClanahan
McCullough, McMillan of B. McMillan of L
Moon of Madison, Moon of Marion, Morris
Pynes, Randolph, Reynolds, Robert, Russell
Saunders, Shanks, Smith of D. Smith of L. Walker of B
Walker of L. Warren, Williams, Wilson, Winston of
S. and Wynne.

Those who voted in the negative are Messrs
Abhirst, Bates, Bell, Blount, Bowen, Bradley
Broughton, Campbell, Clemens, Greenhaw, Davenport Davidson, Davis of B. Dosier, Fleming, Garrett
Griffin of L. Hall, Hollinger, Houston, Hunter
Hutchinson, Inge, Jennison, Kidd, Langdon
Little, Mangum, Mallard, Mann, McAlpin
McCoy, McGill, McLemore, Mitchell, Moore
Murphy, Norris, Norwood, Perkins, Peters
Prince, Rice, Shanks, Simmons, Thrift
Brode, Winston of D. Womack & Young.

Mr Moores offered the following
resolution

Resolved, That with the Concurrence of
the Senate this House will adjourn on Saturday
the 24th Inst sine die

Mr Clemens moved that the resolution lie on the table, which was Carried

Yeas 48 - Nays 43

The yeas & nays being demanded those who
voted in the negative affirmation are Messrs
Speaker, Adrian, Alexander, Blackshear
Blount, Clemens, Cobb, Davis of L. Dixon, Douglass
Fowler, Hale, Hill, Hughs, Jennison, Jones
Kelly, King, Mallard, Marchbanks, McCay
McClanahan, McCullough, McLemore
McMillan of B. McMillan of L. Moon of Madison
Moore of Marion, Perkins, Pynes, Randolph
Reynolds, Rice, Robert, Russell, Saunders,
Shanks, Smith of D - Smith of L. Stone, Strode
Walker of B. Walker of L. Warren, Williams, Wilson
Winston of D. & Wynne

Those who voted in the negative are Messrs Adams Bates, Bell, Ashurst, Bowen, Bradley, Broughton, Campbell Crenshaw, Davenport, Davidson, Davis of Ct, Davis of Lb Dosier, Fleming, Griffin of M, Griffin of St, Hall, Hollinger Houston, Hunter, Hutchinson, Ingo, Kidd, Langdon, Lillie Mangum, Mann, McCoy, McGill, Mitchell Moore, Morris, Murphy, Norris, Norwood, Peters, Price Simmons, Stowood, Sprull, Winston of St, Womack and Young

Mr Saunders introduced a Bill to repeal the law requiring the alternation of the Judges of the Circuit Courts which was read and ordered to a 2nd reading

Mr Saunders introduced a Bill to audit the accounts of the Tennessee Canal Commissioners, which was read and ordered to a second reading

Mr Saunders introduced a Bill in relation to forfeitures in State Cases, which was read and ordered to a second reading

Mr Saunders introduced a Bill for the relief of Elizabeth Morris, amendatory of an act approved Janry 9—1836—which was lead,

Mr Hutchinson moved to suspend the Constitutional rule, and give the Bill its second reading forthwith which was last Lead 51— nays 36—

The yeas and nays being demanded those who voted in the affirmative are Messrs Speaker Adams, Adrian, Alexander, Blackshear, Campbell, Clements, Cobb, Davis of Le, Davis of L, Dixon, Douglass, Fleming, Fowler, Griffin of M, Hale, Hunter, Hutchinson, Kelly, King, Mangum Mallard, Marchbanks, McCay, McClanahan, McCullough, McGill, McMillan of B, Mitchell Moore of Madison, Morris, Norwood, Perkins, Peterson Pynes, Randolph, Reynolds, Roberts, Russell, Saunders Shanks, Simmons, Smith of St, Spruill, Strode, Walker of B, Walker of L, Wann, Wilson, Winston of Dk and Wynn

Those who voted in the negative are Messrs Ashurst, Bates, Bell, Blount, Bowen, Bradley, Broughton Crenshaw, Davenport, Davis of B, Dosier, Griffin of S, Hall, Hill, Hollinger, Hughes, Ingo, Lemmon, Long,

Tidd, Langdon, Little, Mann, McLemore McMillion, of B. Moore of Marion, Moses Murphy, Norris, Pegues, Peters, Prince Rice, Smith of L. Wilcox and Young the Bill was ordered to a second reading.

Mr Shanks introduced a Bill requiring the Judge of the County Court of Barbour County to reside at, or within three miles of the Court House of said County which was read and ordered to a second reading

Mr Griffin of S. introduced a Bill to amend, revise and Compile the School-laws in this State which was read and ordered to a second reading

On motion of Mr Griffin of S.

Resolved That the Committee on the State Bank and Branches be instructed to enquire into the expediency of the several Banks of this State making Some discounts to relieve the distresses of a Suffering Community, also to allow the President and Directors of the Several Banks of this State further time for the resumption of Specie payments with leave to report by Bills or otherwise,

A message from the Senate by Mr Hill their Secretary

Mr. Speaker.

The Senate has passed Bills of the following titles which originated in the Senate to wit:

An act to amend an act, entitled an act - authorizing the election of an assessor and tax Collector for the County of Benton

An act to Change Certain election Precincts therein named.

An act to regulate Judicial Proceedings in the County Court of Mobile County.

An act abolishing a Certain election Precinct therein named.

An act to authorize Clerks of the County Courts of the several Counties in this State to Sell on Stray bonds in the boat in which the Court house is Situated

an act to repeal in part an act entitled an act to incorporate the town of Decatur in the County of Morgan approved the 9th of January 1841

In which they ask the Concurrence of the House of Representatives

The Senate has adopted unanimously a Memorial and Joint Resolutions in relation to the death of the President of the United States, which originated in the House of Representatives

Mr Dunson offered the following Resolution

Resolved that the Committee on the State Bank and Branches, be instructed to inquire & report by bill or otherwise, if the best interest of the State do not require a Change of its present banking System and the Closing or liquidation of the business of Loans on all of the State Banks.

Mr Matheson moved the following amendment Strike out all after the word Resolved, and insert; "That the Committee on the State Bank & Branches "be instructed to report to this Legislature a plan "or plans for winding up and Closing the Banks & "Branches of the Bank of this State and to report in "lieu thereof, a System of supplying a Sound "Currency to the people of this State, and that said "Committee report to this House by Bill

Mr. McGehee moved to lay the resolution & amendment on the table which was lost

yeas 29
nays 62

yeas Messrs Speaker, Alexander, Blackshear, Cobb Davis of C. Davis of L. Douglass Fowler Griffin of M. Hall King, Merriwether, Metcalfe, McCay McCoy, McCullough, Meglin, McMillion of B. Moore of M. Moses Osburn Randolph Sprull Walker of L. Ware Wilson Womack Wynn & Young.

Nays. Messrs. Adams, Adrian, Ashurst, Bates Bell, Blount, Bowie, Bradley, Broughton. Cloney, Campbell, Chisholm, Danforth, Dawson Davis of B. Dixon, Dorsey, Fleming, Griffin of S. Hall, Hill, Hollinger, Hughes, Hunter Hutchison, Kaye, Lemison, Lewis, Lilly, Lloyd Langdon, Little, Mayrant, Mallard Mann, McClanahan, McMillan of J. Mitchell, Moore of Mar. Morris, Murphy

Norris, Norwood Pegues, Perkins Peters Price Pugsley, Reynolds, Rice Roberts Rupsell Sanders Shanks, Simmons Smith of J. Smith of L. Spruce Stroder Walker of B. Walker of L. Wilkinson of D.

The question was on Mr. Hutchisons amendment and lost

Ayes 23.
Nays 63.

Yeas Adrian, Ashurst Blount Brown, Cumston Davenport, Davis of F. Dorter Fleming Gee Hutchison, Langdon Little Moore of Mar. Norris, Pegues Price Pugsley Smith of Sand. Lloyd, Wilmarth

Nays Messrs. Speaker, Adams. Alexander Bates, Bell Blackshear Bradley Broughton Campbell Clemens, Cobb Davidson Davis of A. Dixon Douglass Fraser Griffin of M. Griffin of Ch. Hall Hallinger Hughes, Hunter, Ingram Jemison Jones, Kelly Kidd King, Benjamin Mallard Mann Marchbanks. McAlpin McCay McClanahan McCoy McCullough McGill McMillan of B. McMillan of D. Mitchell Moore of Mad. Morris Norwood Perkins, Randolph Reynolds, Roberts Sanders Shanks Simmons Smith of L. Spruce Stroder Walker of B. Walker of L. Mann Williams, Wilson Winston of H. Winn & Young.

Mr Rice moved that the resolution be indefinitely postponed, which was lost

Yeas 29
Nays 63

Yeas- Messrs Speaker, Adrian, Alexander, Cobb Davis of A. Davis of L. Douglass, Fowler, Garrett, Griffin of M. Hall, Hill, Hughs, Kelly, King, Marchbanks McCay, McCoy, McCullough, McGill, McMillan of B Moore of Madison, Paterson, Randolph, Rice, Spruill Walker of B. Walker of L. Winn

Nays- Messrs, Adams, Ashurst, Bates, Bell Blackshear, Blount, Brown, Broughton Campbell, Clemens, Crenshaw, Davenport Davidson, Davis of F. Dixon, Dorter, Fleming Griffin of S. Hall, Hallinger, Houston, Hunter Hutchinson, Ingram, Jemison, Jones, Kidd, Langdon

Lillb, Mangum, Mallard, Mann, McAlpin, McClammahan, McMillion of B. Mitchell, Moore of Marion Morris, Murphy, Norris, Norwood Pegues, Perkins Peters, Prince, Pynes, Reynolds, Roberts, Russell Saunders, Shanks, Simmons, Smith of D. Smith of S Williams, Stone, Strode, Wilson, Winston of D & R Winston of S. Womack, Wynn & Young

Mr Rice moved to amend by inserting the words "the first day of August next" after the word "report."

Mr Winston of D & R moved to amend as follows,

"And that the said Committee further enquire into the expediency of altering the present mode of electing the President and Directors of the State Bank and its Branches"

Mr Langdon moved that the House adjourn until to-morrow morning 10 o'clock which was lost

Yeas 31

Nays 62

Yeas— Messrs Adrian, Althurst, Bales, Bowen, Broughton, Campbell, Davenport, Davis of L, Garrett, Griffin of S. Houston, Inge, Langdon, Mangum, McAlpin, McCay, McClammahan, McCoy, McCullough, McGill, McLemore, Moories, Morris, Murphy, Pegues, Perkins, Prince, Reynolds, Russell, Womack & Young.

Nays— Messrs Speaker, Adams, Alexander, Bell, Blackshear, Blount, Bynum, Cobb, Crenshaw, Davidson, Davis of C, Davis of B, Dixon, Douglass, Fleming, Fowler, Griffin of M, Hale, Hall, Hill, Hollinger, Hughes, Hunter, Hutchinson, Jemison, Jones, Keeling, Kidd, King, Lillb, Mallard, Mann, Manshanks, McMillon of B, McMillion of S, Mitchell, Moore of Madison, Moore of Marion, Norris, Norwood, Peter, Peterson, Pynes, Randolph, Rice, Roberts, Saunders, Shanks, Simmons, Smith of D, Smith of S, Spruill, Stone, Strode, Walker of B, Walker of S, Ward, Williams, Wilson, Winston of D & R, Winston of S, and Wynn—

The question then recurred on Mr Winston's amendment and lost

Yeas 20
Nays 70

Yeas - Messrs Alexander, Davis of C., Dixon Douglass, Fowler, Hale, Hill, Kelly, Mallard Marshbanks, McClanahan, McMillan of D, Morris, Roberts, Smith of L, Stone, Williams Wilson, Winston of D, Winston of S.

Nays - Messrs Speaker, Adams, Adrian Ashurst, Bates, Bell, Blackshear, Blount Bowen, Broughton, Campbell, Clements Cobb, Cresshaw, Davidson, Davis of B, Davis of L, Doster, Fleming, Garrett, Griffin of M, Griffin of S, Hollinger, Hughes - Hunter, Hutchinson, Inge, Jemison, Jones Kidd, King, Langdon, Little, Maugum, Mann McAlpin, McCay, McCoy, McCullough McGill, McMillan of B, Mitchell, Moore of Madison, Moore of Marion, Moores Norris, Norwood, Pegues, Perkins Peters, Peterson, Prince, Pynes, Randolph Reynolds, Rice, Russell, Saunders, Shanks Simmons, Smith of D, Spruill, Strode Walker of B, Walker of L, Wann, Womack Wynn and Young

The question then was on the adop=tion of the resolution and Carried

Yeas 62
Nays 28

Yeas - Messrs Adams, Adrian, Alexander Ashurst, Bates, Bell, Blackshear, Blount Bowen, Campbell, Clements, Cresshaw Davis of B, Dixon, Doster, Fleming, Griffin of S, Hale, Hill, Hughs, Hutchinson, Jemison Jones, Kelly, Kidd, Langdon, Little, Maugum Mallard, Mann, McAlpin, McClanahan McLemore, McMillan of B, Mitchell, Moore of Marion, Morris, Norris, Norwood Pegues, Perkins, Peters, Prince, Pynes Reynolds, Roberts, Russell, Saunders Shanks, Simmons, Smith of D, Smith of L, Strode, Walker of B, Wann, Williams Wilson, Winston of D, Winston of S, Womack Wynn and Young

Nays- Messrs Speaker Cobb. Davis of C. Davis of L. Douglass. Fowler Garrett Griffin Jr Mr. Hall Houston King Murchison McCay McCoy McCullough McGill McMillion of Y. Moore of Madison Peterson Randolph Rice Stone Walker of L.

Mr Walker of Benton introduced a Bill to amend an act entitled an act to organize and establish Separate Courts of Chancery approved January 26-1839- which was read a first time and ordered to a second reading.

Mr Hollinger introduced a Bill to provide for the liquidation of the affairs of the Bank of the State of Alabama and its Branches which was read,

Mr Hollinger then moved that the Bill be laid on the table and that 100 Copies be Printed.

A division of the question being called for it was first taken on laying the Bill on the table and Carried.

The question was then on ordering 100 Copies to be Printed and last

And then the House adjourned until to-morrow morning 10 o'clock

Friday April 23d 1841

The House met pursuant to adjournment.

Mr Bell presented the petition of sundry Citizens of Concord County which was read & referred to the delegation from the first & 10th Judicial Circuits

Messrs Alexander Dunlap Perkins & Bates presented accounts they were severally read & referred to the Committee on accounts

Mr Mangum presented the petition of sundry Citizens of Rutherford County in relation to the seat of Justice of said County, which was read and referred to the delegation of Rutherford & Burke

Mr Stone presented the petition of Citizens of Robeson County praying that the election — precinct at his Dam be discontinued, which was read and referred to the Committee on Privileges and Elections, —

Mr Hill made the following report,

The Committee on accounts to which was referred the account of Watkins & Letton have had the same under consideration & have instructed me to report that it is inexpedient to legislate on the subject as there are appropriations already made for that purpose — and ask leave to be discharged from the further consideration of the same

Ordered that said report lie on the table

Mr Moore of Mad: from the committee on the State bank & branches to which was referred the petition of sundry citizens of Franklin county reported that the prayer of the petitioners is unreasonable & ought not to be granted.

In which report the House concurred

Mr Little from the Select committee to which was referred several petitions from the citizens of township twenty three, in the county of Sumter, reported a bill for the relief of the estate of George Clanton deceased which was read & ordered to a second reading

Mr Jones from the Special committee composed of the delegation of the first & tenth Judicial Circuits to whom was referred the petition of sundry citizens of Cumberland county reported A Bill to add Washington County to the tenth Judicial Circuit & for other purposes — which was read — & the rule requiring bills to be read on three several days being dispensed with, it was read the second & third time forthwith — considered as engrossed, & passed.

Ordered that the bills be as aforesaid

Ordered that the same be sent to the Senate for their concurrence

Mr Moon of Mad: from the committee on the State bank & branches to which was refrd the bill to amend the charters of the ~~branch of the~~ bank of Mobile & The Planters & Merchants bank of Mobile reported the same without amendment - and the rule requiring bills to be read on three several days being dispensed with it was read a third time - considered as engrossed & passed.

Yeas 76

Nays 17

Those who voted in the affirmative are Mssrs Speaker, Adrion, Ashurst, Baty, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Cobb, Crenshaw, Davidson, Davis of A. Davis of B., Doster, Fleming, Fowler, Garrett, Griffin of M. Griffin of S., Hale, Hall, Hollinger, Houston, Hunter, Hutchinson, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Mangum, Mann, McAlpin, McCay, McCoy, McCullough, McGill, McLemore, McMillan of B., McMillan of J., Mitchell, Moore of Mad: Moore, Morris, Murphy, Norris, Norwood, Pegues, Perkins, Peters, Peterson, Pierce, Pyne, Randolph, Reynolds, Rice, Roberts, Ruffell, Saunders, Shanks, Simmons, Smith of J., Sprull, Walker of B., Walker of L., Winn, Williams, Winston of D., Womack, Wynn, & Young.

Those who voted in the negative are Mssrs Adams, Alexander, Clemens, Davis of L., Dixon, Douglas, Hill, Hughs, Kelly, Mallard, Marchbanks, McClanahan, Moon of Marion, Smith of L., Stone, Wilson, Winston of S.

Ordered that the title be as aforesaid

Ordered that the same be sent to the Senate for their concurrence.

Mr Mangum from the Select committee to which was refrd the petition of sundry citizens of Ruffell county reported a bill to establish the permanent seat of justice for the county of Ruffell - which was read & the rule requiring bills to be read on three several days being dispensed with - it was read a second & third time forthwith - considered as engrossed & passed

Ordered that the title be as aforesaid

Ordered that the same be sent to the Senate for their concurrence.

Mr Sprull introduced a bill to divorce Wilson Eatman from his wife Sarah Eatman - which was read & ordered to a second reading.

Mr Wynn from the Select committee to which was refrd the petition of sundry citizens of Limestone county reported a bill to levy a special tax in the county of Limestone - which was read & ordered to a second reading

A mspage from the Senate by Mr Hill their Secretary.

Mr Speaker

The Senate has passed bills of the following titles

An act to amend the charters of the Bank of Mobile & the Planters & Merchants bank of Mobile

An act to abolish encampment drills in the 10th brigade 9th division of Alabama Militia

An act to repeal in part an act in relation to 16 sections approved 3d of February 1840.

An act for the collection of taxes in the county of Marengo

An act attaching the county of Lowndes to St Chauncey district of the Southern Division

An act in relation to Prairie road in the county of Montgomery and Lowndes

An act in relation to the sixteenth sections in township ten of range five in the county of Wilcox

An act to extend the provisions of the first section of an act entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its several branches and for other purposes, approved June 30, 1837.

An act to compensate the Commissioners of Roads & revenue in the county of Wilcox

An act to repeal a portion of the Charter of the city of Mobile

The Senate has adopted Joint resolutions of the Legislature of the State of Alabama in General Assembly convened

All of which originated in the Senate - In which the concurrence of the House of Representatives is requested

The Senate has also passed a bill which originated in the House of Representatives entitled an act to amend and explain an act entitled an act to authorise the commissioners of township 16, range 17 of Montgomery county to erect a suitable building for an academy

Mr Rice called up the bill to provide for the removal of the Branch of the Bank of the State of Alabama at Decatur and for other purposes.

Yeas 53

Nays 38

Those who voted in the affirmative are Messrs Adrian, Alexander, Ashurst, Bell, Blackshear, Bradley, Broughton, Campbell, Davidson, Davis of B., Dixon, Doster, Dougl[illegible], Fleming, Garrett, Hale, Hall, Hill, Hollinger, Houston, Hunter, Hutchinson, Ingr. Jemison, Jones, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore,

Moore, Murphy, Norris, Norwood, Pegues, Perkins, Peter, Price, Pyron, Rice, Roberts, Shanks, Simmons, Smith of L., Spruill, Stone, Winston of S., Womack, & Young.

Those who voted in the ~~affirmative~~ on ~~Mofes~~ ~~Speaker~~, negative on Mofes Speaker, Adams, Blount, Bowen, Clemens, Cobb, Crenshaw, Davis of A., Davis of L., Fowler, Griffin of M., Griffin of S., Hughs, Kelly, King, Mallard, Marchbanks, McKay, McClanahan, McCullough, McMillan of B., McMillan of J., Mitchell, Moore of Mad., Morris, Peterson, Randolph, Reynolds, Rufell, Saunders, Smith of J., Walker of B., Walker of L., Wann, Williams, Wilson, Winston of D., & Wynn.

A mifsage from the Senate by Mr Clitherall

Mr Speaker

The Senate has adopted the following resolution

Resolved, by the Senate (with the concurrence of the House of Representatives) that the two houses of this General Assembly will convene in the hall of the House of Representatives on Saturday next at the hour of 12 o'clock M. for the purpose of electing a Judge of the first Judicial Circuit - and also a Solicitor for the Fourth Judicial Circuit

In which the concurrence of the House of Representatives is requested

The House proceeded to the order of the day

Bills from the Senate of the following titles

An act authorising the election of an officer & tax collector for the county of Benton

An act to repeal in part an act in relation to 16th section approved February 3d 1840.

Were severally read the first time & the constitutional rule requiring bills to be read on three several days being dispensed with - They were read the second & third times forthwith & passed

Ordered that their titles be as aforesaid

Ordered that the clerk acquaint the Senate therewith

Bills from the Senate of the following titles

An act to regulate judicial proceedings in the County Court of Mobile county

An act to repeal in part an act entitled an act to incorporate the town of Decatur in the county of Morgan, approved the 9th of January 1841.

An act to authorise the Clerks of the County Courts of the several counties in this State to sue on Stray bonds in the name in which the court house is situated

An act abolishing a certain election precinct therein named

An act to change certain election precincts therein named

Were severally read & ordered to a second reading.

The bill from the Senate to repeal a portion of the charter of the city of Mobile, was read

Mr Langdon moved to lay the bill on the table - which was lost

Ayes 27
Nays 57

Those who voted in the affirmative are

Messrs Bates, Bell, Bradley, Campbell, Doster, Griffin of S., Hall, Hollinger, Hunter, Ingr, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moon of Marion, Moore, Murphy, Pegues, Perkins, Prince, Simmons, & Young.

Those who voted in the negative are

Messrs Speaker, Adams, Adrian, Alexander, Ashurst, Blackshear, Bowen, Broughton, Clemens, Cobb, Crenshaw, Davidson, Davis of A., Davis of L., Dixon, Douglas, Fleming, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Hutchinson, Jemison, Jones, Kelly, King, Mallard, Marshbanks, McCay, McClanahan, McCullough, McMillion of B., McMillion of J., Moore of Mad: Morris, Norris, Norwood, Pynes, Reynolds, Rice, Rufelle, Saunders, Smith of J., Smith of L., Stone, Steele, Walker of B., Walker of L., Wann, Williams, Wilson, Winston of D., Winston of Sumter, & Wynn

Mr Little moved that the bill be indefinitely postponed - which was lost

Ayes 35
Nays 57

Those who voted in the affirmative are

Messrs Ashurst, Bates, Bell, Bowen, Bradley, Broughton, Campbell, Davidson, Doster, Griffin of S., Hall, Hollinger, Hunter, Ingr, Jemison, Jones, Kidd, Langdon, Little, Mangum, Mann, McCoy, McLemore, Mitchell, Moore of Marion, Moore, Murphy, Pegues, Perkins, Peters, Peterson, Prince, Spruill, Womack, & Young.

Those who voted in the negative are

Messrs Speaker, Adams, Adrian, Alexander, Blount, Clemens, Cobb, Crenshaw, Davis of A., Davis of B. Davis of L., Dixon, Douglas, Fleming, Fowler, Griffin of M. Hale, Hill, Houston, Hughs, Hutchinson, Kelly, King, Mallard, Marshbanks, McAlpin, McCay, McClanahan, McCullough, McGill, McMillion of B., McMillion of J., Moore of Mad: Morris, Norris, Norwood, Pynes, Randolph,

Raynolds, Rice, Roberts, Rufell, Saunders, Shanks, Simmons, Smith of J., Smith of L. Stone, Sloan, Walker of B, Walker of L, Wann, Williams, Wilson, Winston of D., Winston of S. & Wynn.

Mr Langdon moved that the bill be postponed until Monday next which was carried

A message from the Senate by Mr. Hill

Mr Speaker,

The Senate has passed bills which originated in the Senate of the following titles to wit:

An act for a special election for electing members to the 27th Congress and for other purposes.

An act for the relief of E. K. Miller deceased and other purposes

In which they ask the concurrence of the House of Representatives.

Mr Saunders moved to lay the first message from the Senate on the table with the view to take up the second one - which was agreed to

Ayes 50.

Nays 41

Those who voted in the affirmative are

Messrs Speaker, Adams, Adrain, Alexander, Blackshear, Clemens, Cobb, Davis of A., Davis of L., Dixon, Douglass, Fowler, Griffin of M., Hale, Hill, Houston, Hughes, Jones, Kelly, King, Mallard, Marchbank, M'Coy, M'Clanahan, M'Culloch, M'Million of B., M'Million of J., Moore of Mad; Moore of Mar., Morris, Payne, Randolph, Reynolds, Rice, Roberts, Rufell, Saunders, Smith of J., Smith of L., Spruill, Stone, Sloan, Walker of B. Walker of L, Wann, Williams, Wilson, Winston of D. Winston of S. & Wynn.

Those who voted in the negative are

Messrs Ashurst, Bates, Bell, Blount, Bowen, Brady, Broughton, Campbell, Crenshaw, Dawson, Davis of B., Foster, Fleming, Griffin of S., Hall, Hollinger, Hunter, Hutchinson, Large, Jemison, Kid, Langdon, Little, Mangum, Mann, M'Alpin, M'Coy, M'Gill, M'Lemore, Mitchell, Moore, Murphy, Norris, Norwood, Perkins, Peter, Peterson, Primm, Shanks, Womack, & Young.

Mr M'Gill moved that the House adjourn until nine o'clock tomorrow - which was lost.

Ayes 34

Nays 58

Those who voted in the affirmative are

Messrs Adams, Ashurst, Bates, Bell, Bowen, Broughton, Campbell, Crenshaw, Davis of B., Griffin of S., Hale, Hall,

Hollinger, Hunter, Hutcheson, Irby, Jemison, Kidd, Langdon, Little, Mangum, Mann, McCoy, McGill, McLemore, Moore, Norris, Perkins, Peters, Rencher, Shanks, Simmons, Womack, & Young.

Those who voted in the negative are

Messrs Speaker, Adrian, Alexander, Blackshear, Blount, Bradley, Clemens, Cobb, Davis of A., Davis of L., Dixon, Douglass, Griffin of M., Hill, Houston, Hughes, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McCay, McClanahan, McCullough, McMillan of B., McMillan of J., Moore of Madison, Moore of Mor., Morris, Murphy, Norwood, Pegues, Pyne, Randolph, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J., Smith of L., Spruill, Stone, Strode, Walker of B., Walker of L., Wann, Williams, Wilson, Winston of D., Winston of S., Wynn, & Young.

The bill from the Senate entitled an act for a Special election for electing members to the 27th Congress & for other purposes was read the first time

Mr. Mann moved that the House adjourn until tomorrow morning nine o'clock - which was lost

Yeas 33
nays 53

Those who voted in the affirmative are

Messrs Ashurst, Bates, Bell, Bowen, Broughton, Campbell, Crenshaw, Davis of B., Dozier, Fleming, Fowler, Griffin of S., Hale, Hall, Hollinger, Hunter, Hutcheson, Jemison, Kidd, Langdon, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moore, Norris, Perkins, Peters, Rencher, Shanks, Womack,

Those who voted in the negative are

Messrs Speaker, Adrian, Blackshear, Blount, Bradley, Clemens, Cobb, Davis of A., Davis of L., Dixon, Douglass, Griffin of M., Hill, Houston, Hughes, Jones, Kelly, King, Mallard, Marchbanks, McAlpin, McCay, McClanahan, McCullough, McMillan of B., McMillan of J., Moore of Madison, Moore of Mor., Morris, Murphy, Norwood, Pegues, Pyne, Randolph, Reynolds, Rice, Roberts, Saunders, Simmons, Smith of J., Smith of L., Spruill, Stone, Strode, Walker of B., Walker of L., Wann, Williams, Wilson, Winston of D., Winston of S., Wynn, & Young.

The House resumed the consideration of the bill entitled an act for a Special election for electing Members to the 27th Congress & for other purposes

Mr McGill moved that the bill be postponed until monday next — which was lost

Yeas 22

Nays 60

Those who voted in the affirmative are

Messrs Bates, Bell, Bowen, Broughton, Campbell, Crenshaw, Davis of B., Dostie, Griffin of S., Hall, Hollinger, Kidd, Langdon, Mangum, Mann, McCoy, McGill, McLemore, Mitchell, Moses Rivers, & Reuer.

Those who voted in the negative are

Messrs Speaker, Adams, Adrain, Alexander, Arhurst, Blackshear, Blount, Brady, Clemens, Cobb, Davis of A., Davis of L., Dixon, Douglass, Fleming, Fowler, Garrett, Griffin of M., Hale Hill, Houston Hughes, Jones, Kelly, King, Letts, Mallard, Marshbanks, McAlpin, McKay, McClanahan, McCullough, McMillion of B., McMillion of J., Moor of Mad., Moor of Mar., Morris, Murphy, Norwood, Pyne, Randolph, Reynolds, Ricks, Roberts, Rufell, Saunders, Smith of J., Smith of L., Spruill, Stocks, Stroder, Walker of B., Walker of L., Ware, Williams, Wilson, Winston of D., Winston of S., Wynn, & Young.

The bill was ordered to a second reading

And then the House adjourned until tomorrow morning nine o'clock.

Saturday, April 24th 1841.

The House met pursuant to adjournment.

Messrs. Sanders & Perkins presented accounts they were severally read and referred to the Committee on accounts.

Mr. Bates Called up the bill for the liquidation of the affairs of the Bank of the State of Alabama and its Branches" it was ordered to a second reading —

The Bill from the Senate for the relief of C. H. Miller & others was read the first and second time for the bill, and referred to a Select Committee

Whereupon Messrs. Walker of B. and Little were appointed said Committee

Bills from the Senate of the following titles

An act in relation to Vicinal Roads in the Counties of Montgomery & Lowndes.

An act to Compensate the Commissioners of Roads and Revenue in the County of Wilcox —

An act in relation to the 16th Section in Township 16 of Range 5 in the County of Hillsboro

An act to prevent frauds in Elections.

An act to incorporate the Steelboro Steam Boat and Ware House Company in the County of Baldwin.

An act to amend the Laws in regard to limitations of actions.

An act to incorporate the Dalton Ferry and Ware House Company.

An act to compel executors and administrators to perfect titles to Land in Certain Cases.

An act for the relief of William Taylor and Abner McQueen

An act to incorporate a Male academy at Midway in the County of Macon.

An act for the benefit of J. Henri Hollingsworth

An act regulating Sheriffs fees.

Were severally read and ordered to a second reading —

The Bill from the Senate to amend the Charter of the Bank of Mobile and the Planters & Merchants Bank of Mobile was read the first time, and the rule requiring bills to be read on three several days being dispensed with it was read the second and third time forthwith and passed

Yeas 63.
Nays 15

The yeas and nays being required

Those who voted in the affirmative are Speaker Adams, Adrian, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Cobb, Cumbaa, Davidson, Davis of A. Davis, Fowler, Griffin of De Griffin of J. Hall, Hollinger, Houston, Hunter, Hutchison, Ingo, Jones, Kidd, King, Langdon, Little, Mangum, Mann, McAlpin, McCay, McCullough, McLemore, McMillan of B. McMillan of J. Moore of Mad. Morris, Murphy, Norris, Norwood, Perkins, Prince

Capn. Randolph, Reynolds, Rice Rose Sanders, Shanks Simmons, Smith of J. Spruill Stone, Walker of B. Walker of L. Ware, William Winston of D. Allen and Young

Those who voted in the negative are Messrs Alexander, Clemens, Davis of L. Dixon, Douglas, Garrett Hale, Hill, Hughes, Mallard, Merchant, McClanahan, Moore of Ch. Smith of Lowndes & Wilson.

Ordered that the letter lie as aforesaid

Ordered that the Clerk acquaint the Senate therewith

The Message from the Senate proposing to go into the election of a Judge and Solicitor was taken up, and then Ordered to lie on the table

Mr. Sparks presented the Petition of John Martin President of the Branch Bank at Montgomery it was read and refered to the Committee on the State Bank.

Joint Resolutions from the Senate of the Legislature of the State of Alabama in General Assembly Convened was read.

Mr. Matheson moved that it lie on the table which was lost. —

Mr Hooper Mann moved to refer it to a Select Committee

Whereupon Messrs Mann Rice & Sparks were appointed said Committee —

The Bill from the Senate attaching the County of Lowndes to the 2d Chancery District of the Southern Division was laid on the table

The Bill to abolish encampment drills in the 10 Brigade & 9 Division of Alabama Militia for other purposes was read, and the rule requiring bills to be read on three several days being dispensed with it was read a second time forthwith. — Mr Hooper of Ala. moved to amend it by an additional section which was adopted — and the rule being further dispensed with it was then read the third time and passed

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

Mr. Bates called up the Communication from the Cashier of the Branch Bank at Mobile, it was forthwith sent to the Senate

Mr. Stroud presented the petition of Sundry Citizens of the town of Decatur it was read and refd to the delegation of Morgan.

Mr. Murphy from the Judiciary Committee to whom was refd the petition of Sundry Citizens of Green County reports that it is inexpedient to legislate on the subject at this session of the legislature in which report the House Concurred

The same Committee to whom was refd the petition of Sundry Citizens of Dallas reports the same as inexpedient

In which report the House Concurred.

Mr Allen from the Committee on Roads Bridges and Ferries to which was refd the petitions of Sundry Citizens of Jackson County reports that it is inexpedient to legislate on the subject at this time

In which report the House Concurred.

Mr. Bates introduced a Bill for the relief of Charles A Hopkins which was read the first time and made the special order of the day for its second reading on monday next.

Mr. Walker from the Select Committee to which was refd the Bill from the Senate for the relief of C K. Miller & others reports an amendment which was adopted, and the the rule requiring bills to be read on three several days being dispensed with it was read the 3d time forthwith and passed

Ordered that the Clerk do as reported

Ordered that the Clerk acquaint the Senate therewith

The Bill to provide for the removal of the Branch of the Bank of the State of Alabama at Decatur and for other purposes, then under Consideration

Mr. Reid moved to dispense the order of the day which was lost

yeas 39
nays 48.

The ayes and nays being required
Those who voted in the affirmative are.
Messrs Adkins, Alexander, Bradley, Davis of B. Dixon
Dorter, Douglas, Fleming, Gwynne Hale Hall Hill
Hollinger, Hunter Hutcheson, Irby, Jemison Kidd Laydon,
Little Maynor, Mann, McCoy, McGill Moore,
Murphy, Norris, Norwood, Perkins, Peters, Price
Pyron, Rice Rapier, Shanks, Simmons Smith of L.
Stone, Thornton of J.
Those who voted in the negative are.
Mr Speaker, Adams, Ashurst, Bell Blackshear,
Blount, Bowen, Brewton, Clemens, Cobb, —
Cowshaw, Davidson Davis of A. Davis of Jo. Fowler
Griffin of A. Griffin of J. Houston, Hughes,
Jones, Kelly, King, Mallard, Manchester, McCary,
McClanahan, McCullough, McMillan of B. McMillan
of J. Mitchell Moore of A. Moon of Marion,
Morris, Randolph, Reynolds, Roberts Sanders,
Smith of J. Spence, Stone, Walker of B. Walker
of L. Wann, Williams Wilson Winston of D.
Wilson, & Young.
A Message was received from the Senate by
Mr. Smethwick their assistant Secretary.
Mr. Speaker.
The Senate has passed Bills of the following
titles which originated in the Senate.
An act to incorporate a Male academy at
Midway in the County of Macon:
An act for the relief of William Taylor
and others Executors.
An act to incorporate the Eastern Rope and
Wire Rope Company.
An act to incorporate and extend the
powers of the Alabama Medical Society;
An act to compel executors & administrators
to perfect titles to land in certain cases.
In which the concurrence of the House is
requested.
The Senate has also passed a Bill which
originated in the House of Representatives to
establish the permanent Seat of Justice for the
County of Russell.
They have passed Bills which originated in the
Senate of the following titles
An Act to disposed with protest and notice
in certain Cases.

An act regulating Sheriffs fees.
An act for the relief of Purchasers of lots and sections in this State.
An act for the relief of Nancy Hollingsworth.
An act to alter and amend the law for appointing and Collecting the Taxes in the County of Butler approved December 8th 1840.
An act to amend the laws in regard to limitations of actions:
An act to incorporate the Stockton Steam Boat and Guard Steam Company in the County of Baldwin.
An act to prevent frauds in elections In all of which the Concurrence of the House of Representatives is requested.

Mr Reynolds, introduced a bill to increase the Revenue fund; which was read, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the Committee on ways & means.

On motion of Mr. Hutchinson
Ordered that the Committee on Privileges and elections be instructed to report a Bill Submitting the questions directly to the people at the next August election, whether they are in favor of, or against the general ticket System of electing members to Congress from this State:

The Bill from the Senate to incorporate and extend the powers of the Alabama Medical Society was read and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to a 3d reading.

The Bill from the Senate to dispense with notice and Protest in Certain Cases was ordered to lie on the Table.

The Bill from the Senate to extend the provisions of the 1st section of an act, entitled an act to extend the time of indulgence to the Bank of the State of Alabama and its several Branches & for other purposes approved June 30th 1837 was read the first and second time, and referred to the Committee on the State Bank and Branches.

Mr Griffin of S. made the following report.

The Committee on Enrolled Bills have examined, and find Correctly enrolled a bill which originated in the House of Representatives entitled an act to amend and explain an act entitled an act, to authorize the Commissioners of Township 16. Range 17. of Montgomery County to erect a Courthouse building for an academy also

Joint Resolutions in relation to the death of William Henry Harrison late President of the United States —

Mr Hanson from the Select Committee to which was referred the bill from the Senate for the Collection of Taxes in the County of Marengo reported an amendment thereto by adding an additional section, which was adopted. The bill as amended was then read a 3d time forthwith & passed.

Mr Thornton moved to amend the title by adding "and for other purposes" which was Carried

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith.

The Bill from the Senate to alter and amend the law for assessing and Collecting the taxes in the County of Butler approved Decm 8th 1840" was read the first time and the rule being suspended it was read the 2d & 3d time forthwith & passed

Mr Cruikshank moved to amend the title of the bill by adding the words "amendatory of an act" which was Carried

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

The Bill from the Senate for the relief of the purchasers of Mexican Locations in this State was read the 1st and 2d time forthwith and referred to the Judiciary Committee

A Message from the Senate by Mr Clitherall

Mr Speaker.

The Senate has passed on bills of the following titles to wit

An act making an appropriation to the Tennessee Canal:

An act to Change the time of Convening the General Assembly in which the Concurrence of the House of Representatives is requested.

The Senate has also passed a bill which originated in the House of Representatives entitled An act, to amend the Charters of the Bank of Mobile & Planters & Merchants Bank of Mobile

The Bill from the Senate entitled
an act, for a special election for
electing members to the 27th Congress & for other
purposes. was read the 2d time.

Mr Denison moved to amend it by adding
thereto the following Sections
Sec. Be it further enacted that at the elections
herein provided for, the managers at the several
elections precincts throughout this State, shall enquire
of each Voter as he hands in his ticket, whether he is
for or against the General ticket system, in the
election of members of Congress from this State, &
that they shall record, or cause to be recorded
on the back of each ticket. The words for the
General ticket or District System, as the Voter may
answer, and that return thereof be made at the
time and manner herein provided!!

Mr Allen of D. moved to amend Mr Denisons
amendment by striking out the words. "at the elections
herein provided for". to insert at the next
General election in August

Mr Shanks moved that the Convention
fix to vote on monday next which was
Yeas 60
Nays 75.

The yeas and nays being ordered
Those who voted in the affirmative and
Messrs Blount, Adams, McCoy, Mitchell Brown
of Mad. Morris, Perkins, Reynolds, Shanks, & Wade,
Those who voted in the negative and
Messrs Speaker, Adams, Allison, Alexander Ashmead,
Bates, Bird Blackshead, Bacon, Bradley Broughton,
Clemens, Cobb Cruzhead, Davidson, Davis of A.
Davis of B. Davis of L. Denison Dorsey, Dougherty,
Fleming Fowler, Garrett, Griffin of M. Griffin of S.
Hale, Hall, Hill, Hollingsworth Houston Hughes, Hunter,
Ingle, Jones, Kelly, Kidd King, Little Morgan, McAllen,
Marchbank, McAlpin McCoy McClanahan, McCullough,
McMillion of B. McMillion of D. Moore of Mad. Mowry,
Murphy, Norwood, Peters, Peterson Priest, Rogers, Rudolph,
Rice, Roberts, Rufner Sanders, Semmes, Smith of L.
Smith of L. Spencer Stone, Walker of B. Walker
of L. Wann, Williams, Wilson Winston of M.
Winston of S. Wynn & Young.

The House resumed the Consideration of the bill for a Special election for electing members to the 27th Congress & for other purposes.

Mr Summons amendment being under Consideration the question was on Mr. Saunders of &c. amendment to Mr. Summons — a division of the question, being called for

Mr Bland moved that the House adjourn until monday morning 10 oclock. which was lost.

The House again resumed the Consideration of the bill for a Special election for electing members to the 27th Congress & for other purposes"

The question was on Mr. Saunders of &c. amendment to Mr Summons by striking out & Carried

yeas 49
nays 46

The yeas and nays being asked

Those who voted in the affirmative are
Messrs Speaker. Adams, Adrain; Alexander, Blackburn Clemens, Cobb, Davis of a. Davis of b. Deberry Dougl[as] Fowler, Garnett Griffin of Ga. Hall, Hall Hamilton, Hughes Jones Kelly, King, Marchbanks, McCay, McClanahan, McCullough, McMillan of B McMillan of L. Moore of Mad. Moore of Mar. Morris Lyon, Randolph, Reynolds, Rice Roberts Rayner Sanders Sawtell of L. Sawtell of L. Slade Stanly, Stephens, Walker of B. Walker of L Wm Williams Wilson Wise of L. Wise of S. Wm Wise.

Those who voted in the negative are
Messrs Ashmun, Bates Bell Blair, Brown Bradley, Broughton Campbell, Cambreleng Davidson Davis of B. Dorsey, Fleming, Griffin of S. Hall, Hastings Hawkins Hemphill Dug, Lemmon Kidd, Little Mangum Mann Mercer Pearce, Pierce Pickens Moore, Murphy, Norris, Norwood, Parker Peter Potter Shanks, Sumner Sprigg & Young.

The question was taken to insist and Carried

yeas 91

yeas Messrs Speaker, Adams, Adrain Alexander, Ashmun, Bates, Bell, Blackburn Blair, Brown, Bradley Broughton Campbell Clemens. Cobb, Cushman, Davidson Davis of a. Davis of B. Davis of L. Deberry Dorsey, Douglass, Fleming, Fowler Garnett Griffin of Ga. Griffin of S. Hall Hall of Hill Hastings Hawkins, Hughes, Hunter, Huntsman Inge, Lemmon Jones, Kelly Kidd, King

Langdon Lester Mayson, Mallard Mann, Markbanks, McAlpin, McCay, McClanahan McCay, McCullough, McGee, McMillan of J. McMillan of B. Moore of Marion, Moore of Mad. & Moore, Morris, Norwood, Perkins Peters, Peterson Paine Pyles, Randolph, Reynolds, Rice, Roberts, Rupert Sanders, Shanks, Simmons, Smith of D. Smith of L. Spruce, Stone, Walker of B. Walker of L. Wann Williams, Wilson, Winston of D. Winston of J. Winston & Young -

The question was then, on the adoption of Mr. Simmons amendment as amended, and Carried

ayes 89
nays 3.

The ayes and nays being desired

Those who voted in the affirmative and

Mess. Speaker, Adams, Arrington, Alexander, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Brockwell Campbell, Cobb, Crenshaw, Davidson, Davis of A. Davis of B. Davis of L. Dawson, Dortch, Douglass, Elmore, Fowler, Garrett, Griffin of A. Griffin of S. Hale, Hall, Hare, Hastings Henstead, Hughes, Hunter Hutchinson, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon Lester, Mayson, Mallard, Mann, Markbanks, McAlpin McCay, McClanahan, McCay, McCullough, McGee McLemore, McMillan of B. McMillan of J. Mitchell Moore of Marion, Moore of Mad. & Morris, Norwood, Perkins, Peters, Peterson, Paine, Pyles, Randolph, Reynolds, Rice, Roberts, Rupert, Sanders, Shanks, Simmons, Smith of D. - Smith of L. Spruce, Stone, Walker of B. Walker of L. Wann Williams, Wilson, Winston of D. Winston of J. Winston & Young —

Those who voted in the negative and

Mess. Clemens, Moore of Mad. & Moore.

Mr. Moore of Mad. moved to amend the 41st section by striking out the word "fifteen" to insert the word "ten" which was Carried

Mr. Simmons moved to refer the Bill to the Judiciary Committee with the following instructions

1st Inquire first whether there is now a Vacancy in the Representation of the State of Alabama in the Congress of the United States:

2d If there be a Vacancy has not the Executive Authority of this State ample power to issue

his writs of election to fill such Vacancy, without any further legislative enactments on the subject

3d. Whether the Law of last Session entitled an act to establish the General ticket System in elections for Representatives in Congress from the State of Alabama, Could by its Provisions, take effect before the General election on the first monday in August next, and whether all Laws on the subject of our Congressional elections, at the time of the passage of the above recited act, would not be without further enactments, have Continued in force until the next general election.

4th. Whether the elections for Representatives in Congress would not, without giving to the act of last Session a retrospective operation, have taken place under the district System?

That said Committee at the earliest period practicable report the result of their enquiries to this House, both as to their Conclusions as well as the data upon which Conclusions are formed which was lost.

yeas 33
nays 49

The yeas and nays being desired
Those who voted in the affirmative were
Messrs. Ashurst, Bates, Bell, Blount, Bowen, Broughton, Cruikshank, Davis of B. Dayton Fleming, Gholson, Griffin of S. Hall, Hollingsworth, Hutchinson Inge, Lumpkin Kidd, Langdon, Little Mann, McAlpin, McCoy, McKee, McLean, Mitchell Moore, Morris, Norwood, Parkins Peters Prince, Shanks and Young.

Those who voted in the negative were Messrs Speaker, Adrian Alexander, Blackshear, Bradley Clowney, Cobb Davis of A. Davis of L. Dawson, Dougherty Fowler Garnett Griffin of Ch. Hall Hill Houston, Hughes Jones, Kelly, King, Mallard, Marchbanks McCay, McClanahan, McCullough, McMillan of J. Moore of Mad. Moore of Marion Morris Lynn, Randolph, Reynolds, Rice Roberts, Russell Sanders, Smith of J. Smith of Jack, Stone, Strode Walker of B. Walker of L. Wynn, Williams Wilson Winston of Ch. Winston of S. Wynn.

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and the question being put, shall this Bill be read a 3d time on monday next, it was determined in the affirmative

yeas 48
nays 35.

The yeas and nays being desired

Those who voted in the affirmative are Messrs. Speaker Adrian, Alexander, Blackshear, Clemens, Cobb. Davis of A. Davis of L. Dickson, Douglass, Fauntleroy, Garnett, Griffin of M. Hall, Hill, Houston, Hughes, Jones, Kelly, Kerr, Mallard, Marchbanks, McCay, McClanahan, McCullough, McMillan of J. Moore of Ma. Moore of Marion, Morris, Lynn, Randolph, Reynolds, Rice, Roberts, Rapier, Sanders, Smith of J. Smith of Lau. Stone, Stroud, Walker of B. Walker of L. Wann, Williams, Wilson, Winston of A. Winston of S. & Wynn.

Those who voted in the negative are Messrs. Ashmore, Bates, Bell, Blount, Bowen, Bradley, Brewster, Campbell, Cranford, Davis of B. Dobbs, Fleming, Griffin of S. Hall, Hollingsworth, Hutchinson, Ingle, Jamison, Kidd, Langford, Little, Mann, McAlpin, McCoy, McElyea, McLemore, Mitchell, Moore, Morris, Norwood, Perkins, Peters, Power, Shanks, & Young —

and then the House adjd till monday the morning 9 oclock. —.

Monday April 26, 1841

The House met pursuant to adjournment

Accounts were presented by Messrs Wynn & Jamieson. They were read & refered to the Committee on accounts

Mr Kidd presented the petition of sundry citizens of Monroe county, which was read & refered to the delegation of Monroe county.

Mr Moon of Mad. from the committee on the State Bank to which was refered the bill from the Senate to extend the provisions of the first section of an act entitled an act to extend the time of indebtedness to the bank of the State of Alabama & its several branches & for other purposes approved June 30th 1837 reported sundry amendments — which were severally concurred in

The bill was then read a third time & passed.

Ayes 72

Nays 9

Those who voted in the affirmative are

Messrs Speaker, Adams, Avery, Alexander, Ashurst, Bell, Blackshear, Bowen, Bradly, Broughton, Cobb, Crenshaw, Davidson, Davis of Autauga, Dixon, Doster, Douglass, Fleming, Fowler, Garrett, Griffin of M., Hale, Hall, Hill, Hollinger, Houston, Hughs, Hunter, Hutcheson, Inge, Jemison, Kelly, Kidd, Little, Mangum, Mallard, McClenahan, McCoy, McCullough, McGill, McMillion of B., McMillion of J., Mitchell, Moon of Mad., Morris, Norwood, Pegues, Perkins, Peters, Peterson, Pierce, Pope, Randolph, Reynolds, Rice, Roberts, Rufell, Shanks, Simmons, Smith of J., ~~Smith of L.~~, Spruill, Sprode, Walker of B., Walker of L., Ware, Williams, Wilson, Winston of D., Winston of S., Womack, Wynn & Young.

Those who voted in the negative are

Messrs. Clinton, Langdon, Mann, Marchbanks, McLemore, Moore of Marion, Storrs, Smith of L., & Stone

Mr Moon of Mad; moved to amend the title with the following "an act to amend the charters of the State bank & its several branches"

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

Mr Young from the ~~Select Committee~~ Judiciary committee to which was refered the bill from the Senate for the relief of the ~~settlers~~ purchasers of sixteenth sections in this State reported Sundry amendments

The question was to concur in the first amendment & lost

Mr Davis of A. moved to recommit the bill to a Select committee consisting of the delegation from Greene, Sumter & Marengo counties which was Car

5-X

A message from the Senate by Mr Clitherall
Mr Speaker

The Senate has passed bills of the following titles
to wit

An act incorporating the Benton grand
An act for the payment of the members of the present
General Assembly & for other purposes
In which the concurrence of the House of Representatives
is requested +

The Senate has concurred in the amendments made by the
House of Representatives to the bill entitled an act for the relief
of E. K. Miller deceased & other purposes

Mr Griffin of Shelby made the following report
The committee on Enrolled Bills have examined & find
correctly enrolled Bills which originated in the House of Repre-
sentatives of the following titles viz

An act to establish the permanent seat of Justice for the
County of Russell — Also
An act to be entitled an act to amend the charters of
the Bank of Mobile & the Planters & Merchants bank of
Mobile

Mr Reynolds from the committee of Ways & Means
to which was referred the bill to increase the revenue fund
reported the same without amendment It was read
the third time forthwith & passed
Ordered that the title be as aforesaid
Ordered that the same be sent to the Senate for their
concurrence

Bills from the Senate of the following titles
An act to change the time of convening the General
Assembly
An act making appropriations to the Tennessee
Canal

Were severally read & ordered to a second reading
A message from the Senate by Mr Clitherall
Mr Speaker

The Senate has adopted the following resolution
Resolved that with the concurrence of the House of
Representatives the two Houses will convene in the Hall
of the House of Representatives, on this day at 1 o'clock
for the purpose of electing a Solicitor for the fourth Judi-
cial Circuit — in which they ask the concurrence of the
House

The Senate has concurred in the amendments made by the
House of Representatives to the bills entitled

An

An act for the collection of taxes in the county of Marengo — the amendment to the caption of the bill has been also concurred in

An act to abolish brigade encampment drills in the 10th brigade & 9th Division of Alabama militia

An act to alter & amend the law for assessing & collecting the taxes in the county of Butler, approved Dec 8th 1840 — The amendment to the caption has been concurred in

The Senate has adopted the following resolution

Resolved that with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House of Representatives this day at 12 o'clock for the purpose of electing a Judge for the first Judicial circuit. In which they ask the concurrence of the House of Representatives

The bill from the Senate for the payment of the members of the present General Assembly & for other purposes was read the first time

Mr Hutcheson moved that the bill be indefinitely postponed, which was lost

Yeas 40
Nays 46

Those who voted in the affirmative are

Messrs Ashurst, Bates, Bell, Broughton, Clemens, Crenshaw, Davis of B., Dixon, Doster, Flemming, Griffin of M., Hall Hutchinson, Ingr, Jemison, Langdon, Little, Mangum, McGill McLemore, McMillan of J., Moon of Mad., Moore, Morris, Norris, Norwood, Perkins, Peterson, Phinney Reynolds, Rice Shanks Spruill, Stone, Strode, Walker of B., Winston of D., Winston of S., Womack & Wynn,

Those who voted in the negative are

Messrs Adams, Adrian, Alexander, Blackshear, Blount, Brown, Bradley, Cobb, Davidson, Davis of A., Davis of L., Douglas, Fowler, Garrett, Gayle of S., Hale, Hill, Hollinger, Houston, Hughes, Jones, Kelly, Kidd, King, Mallard, Mann, Marchbanks, McCay, McClenahan, McCoy, McCullough, Mitchell, Moon of Marion, Peters, Pynes, Randolph, Roberts, Rykell, Saunders, Simmons, Smith of J., Smith of L., Walker of L., Wann, Williams, & Wilson

The bill was read the second time forthwith

Mr Moore of Marengo moved to amend it by an additional section — which was lost

Mr Spruill moved to amend the second section by striking out the words "one hundred & fifty" — which was carried.

Yeas 50
Nays 35

Those who voted in the affirmative are

Messrs Adams, Adrion, Alexander, Blount, Bowen, Broughton, Burkhead, Cobb, Crenshaw, Dawson, Davis of B., Davis of L., Douglas, Griffin of M., Griffin of S., Hill, Hugh, Hutchinson, Jemison, Jones, Kelly, Kidd, King, Little, Mallard, Marshbanks, McClanahan, McLemore, McMillion of B., Mitchell, Moor of Mad., Moor of Marion, Moore, Norris, Norwood, Perkins, Peters, Peterson, Randolph, Roberts, Rykell, Saunders, Shanks, Sprull, Steele, Walker of B., Walker of L., Wilson, Winston of B., Womack, & Young

Those who voted in the negative are

Messrs Speaker, Ashcraft, Bates, Blackshear, Bradley, Clemens, Davis of A., Dixon, Doster, Fleming, Garrett, Hale, Hall, Hollinger, Houston, Hunter, Inge, Langdon, Marquis, Mann, McCullough, McGill, McMillion of J., Morris, Norris, Payne, Reynolds, Rice, Simmons, Smith of J., Smith of L., Stone, Ware, & Wynn.

Mr Hall moved to fill the blank with "one hundred & forty five" which was lost.

Mr. Norris moved to fill the blank with "one hundred & twenty five" - which was carried

Mr Sprull moved to amend the third section by striking out the words "three hundred" which was carried

The blank was then filled with "one hundred & fifty"

The bill was then ordered to a third reading

The bill from the Senate incorporating the Bon-low Guards was read the first & second times forthwith

Mr Morris moved to amend it by an additional section — which was adopted. And the Constitutional rule being suspended, it was read the third time & passed.

The title amended with these words " and for other purposes."

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

Message from the Senate by Mr Hall

Mr Speaker,

The Senate has adopted unanimously a preamble & Joint resolutions of the General Assembly of the State of Alabama

In which the concurrence of your honorable body is

requested.

Mr Mitchell made the following report.

The committee on Enrolled bills have examined & find correctly enrolled, bills of the following titles

An act entitled an act to repeal in part an act in relation to sixteenth section approved Feby. 3d 1840.

An act to amend an act authorising the election of an assessor & tax collector for the county of Benton

An act entitled an act for the relief of E. K. Miller decd & other persons

The resolution from the Senate proposing to go into the election of a Solicitor of the fourth Judicial Circuit being under consideration

Mr Rice moved to amend it by adding " and a warden & three inspectors of the Penitentiary " which was lost.

Mr Jemison moved to amend it by striking out the word "one" to insert the word " four"_ which was lost.

Mr Reynolds moved to amend it by adding " and a Judge of the first Judicial Circuit " which was carried

The resolution as amended was then adopted

Ordered that the Clerk acquaint the Senate therewith

The resolution proposing to go into the election of a Judge of the first Judicial Circuit at the hour of twelve o'clock was on motion of Mr Moore of Marengo ordered to lie on the table

Preamble & Joint resolutions from the Senate of the General Assembly of the State of Alabama were read & adopted.

Mr Mann introduced a bill to establish a branch of the bank of the State of Alabama in the town of Irwinton, Barbour county. was read & ordered to a second reading

Mr Saunders introduced a bill to authorize attorneys at law residing in the Territory of Florida to practice Law in the several courts of this state _ which was read the first time. & the constitutional rule being suspended it was read the second & third times forthwith & passed

Ordered that the title be as aforesaid

Ordered that the same be sent to the Senate for their concurrence.

Mr Mann from the Select committee to which was referred Joint resolutions of the Legislature of the State of Alabama in General Assembly convened reported an amendment by striking out the word "backs" where it occurs in the resolution with the view to insert the word "stages" _ which was adopted.

The resolution as amended was then adopted

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

On motion of Mr Griffin of Shelby
Resolved that with the concurrence of the Senate the two Houses will assemble in the hall of the house of Representatives this day at one o'clock for the purpose of going into the election of a Judge of the County Court of Shelby county

The House then proceeded to the order of the day.

The bill for the relief of Charles A. Hopkins was read a second time & ordered to be engrossed for a third reading

The bill from the Senate to repeal a portion of the Charter of the city of Mobile, was read a second time & referd to a Select committee

Whereupon Messrs Langdon, Winston of S., & Smith were appointed

The bill from the Senate to incorporate & extend the powers of the Alabama Medical Society was read the third time & passed

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

The bill from the Senate for electing members to the 27th Congress & for other purposes was read the third time & passed

Ayes 49
Nays 40

Those who voted in the affirmative are
Messrs Speaker, Adams, Adrain, Alexander Blackshear, Clemens, Cobb, Davis of A., Davis of L., Dixon, Douglass, Fowler, Griffin of M., Hale, Hill, Houston Hughs, Jones, Kelly, King Mallard Marchbanks, McCay, McClenahan, McCullough, McMillan of B., McMillan of J., Moore of Mad., Moore of Mar., Morris, Paine, Randolph, Reynolds, Rice, Roberts, Russell, Saunders, Smith of J., Smith of L., Stone, Strode, Walker of B., Walker of L., Ware, Williams, Wilson, Winston of A., Winston of S., & Wynn.

Those who voted in the negative are
Messrs Arhurst, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davidson, Davis of B., Deaton, Fleming, Griffin of S., Hall, Hollinger, Hunter, Hutcheson, Ingr. Jemison, Kidd, Langdon, Little Mangum, Mann, McCoy, McLemore, Mitchell, Moore, Norris, Norwood, Pegues, Perkins, Peters, Peterson, Rives, Shanks, Simmons, Spruill Womack, & Young.

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

A message from the Senate by Mr Clitherall

Mr Speaker,

The Senate has concurred in the amendment made by the House of Representatives to its resolution proposing that the two Houses will assemble in the hall of the House this day at 1 o'clock for the purpose of electing a Solicitor for the 4th Judicial circuit by adding also a judge for the first Judicial circuit

The Senate has also passed a bill to be entitled An act to authorise the owners of the Steam mill on Poplar creek in Franklin county to charge the sixth for toll

In which the concurrence of the House of Representatives is asked

The Senate has also concurred in the resolution of the House of Representatives proposing to go into the election of a Judge for the County Court of Shelby county this day at one o'clock.

The bill from the Senate to authorise the owners of the Steam-mill on Poplar creek in Franklin county to charge the sixth for toll was read the first time & the constitutional rule being suspended it was read the second & third times forthwith & passed.

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

Mr Hutchinson called up the bill from the Senate attaching the county of Lowndes to the second Chancery district of the Southern division. It was ordered to a second reading

A message from the Senate by Mr Hill

Mr Speaker,

The Senate has passed a bill which originated in the Senate entitled an act for levying a special tax in the county of Russell. In which the concurrence of the House of Representatives is requested.

The Senate has also passed a bill which originated in the House of Representatives of the following title

An act to authorise attorneys at law residing in the Territory of Florida to practise law in the several courts of this State

The bill from the Senate for levying a special tax in the county of Russell was read & the constitutional rule being suspended it was read a second & third time forthwith & passed

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

Mr Ingo from the Select committee to which was referred the bill from the Senate for the relief of the purchasers of ~~Sixteenth~~ sections in this State reported sundry amendments - which were adopted

Mr Ingo moved to strike out the provisos in the bill - which was carried. & the rule being suspended the bill was read a third

term forthwith & passed.

Mr Saunders moved to amend the title of the bill by adding the word "certain" — which was carried

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith.

The Senate by invitation having repaired to the hall of the House of Representatives the two Ho-

The two Houses then proceeded to the election of a Solicitor of the fourth Judicial circuit

E. H. English, E. A. Oneal, & John A. Stowe, being in nomination

Those who voted for Mr English are

Messrs Creagh, Darby, Dent, & Terry of the Senate, & Messrs Clemens, Davis of B., Davis of L., Rice, Strode, & Wynn, of the House

Those who voted for Mr Oneal are

Messrs [redacted] Pusinut, Clarke, Farrar, Jones, Lloyd, McAlister, McConnell, McVay, Oliver, Rusa, Rice, Rodgers, Smith, Soulmen, Turner, of the Senate, & Messrs Adams, Adrian, Alexander, Bates, Bell, Blackshear, Cobb, Davidson, Davis of A., Dixon, Doster, Douglass, Fleming, Fowler, Hale, Hall, Hill, Houston, Wright, Hunter, Inge, Jones, Kelly, Langdon, Mann, McCay, McClanahan, McCoy, McLemore, McMillion of B., Moon of Mad., Moore, Norris, Perkins, Pruner, Pyron, Randolph, Roberts, Russell, Saunders, Shanks, Smith of J. Smith of L. Stone, Wann, Williams, & Wilson:

Those who voted for Mr Stowe are

Messrs Andrus, Buford, Hudson, King, Phillips, Ross, Thornton, Watson, Wilson of F., & Womack of the Senate, & Messrs Speaker, Akhurst, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Griffin of M., Griffin of S., Hollinger, Hutchinson, Jemison, Kidd, King, Little, Mangum, Mallard, Marchbanks, McCullough, McMillion of J. Mitchell, Moore of Mor:, Norwood, Pegues, Peters, Peterson, Reynolds, Simmons, Walker of B., Walker of L., Winston of D., Winston of S., Womack, & Young.

E. H. Oneal having received a majority of votes Mr. Speaker declared him elected Solicitor of the fourth Judicial Circuit for the term prescribed by law.

The two Houses then proceeded to the election of a Judge of the first Judicial Circuit.

John D. Phelan alone being in nomination

Those who voted for Mr Phelan are.

Messrs President, Andrus, Buford, Clarke, Creagh, Darby,

Dent, Farrar, Hudson, Jones, King, Lloyd, McAlister, McConnell, McKay, Olwin, Phillips, Rice, Rice, Rogers, Rose, Smith, Terry, Thornton, Toulmin, Turner, Watson & Wilson of the Senate, & Mssrs. Speaker, Adams, Adrian, Alexander, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Cobb, Crenshaw, Davidson, Davis of A., Davis of B., Davis of L., Dixon, Doster, Douglass, Fleming, Fowler, Griffin of M., Griffin of S., Hale, Hill, Hollinger, Houston, Hughes, Hunter, Inge, Jemison, Jones, Kelly, Kidd, King, Langdon, Manguem, Mallard, Mann, Marchbanks, McKay, McClanahan, McCoy, McCullough, McLemore, McMillion of B., McMillion of J., Mitchell, Moon of Mad., Moon of Mar., Moore, Morris, Norwood, Pegues, Peters, Peterson, Pierce, Pyron, Randolph, Reynolds, Rice, Roberts, Rufell, Saunders, Shanks, Simmons, Smith of J., Smith of L., Spruill, Stone, Strode, Walker of B., Walker of L., Wann, Williams, Wilson, Winston of D., Winston of L., Womack, Wynn & Young.

Mr Phelan having received all the votes given, Mr Speaker declared him duly elected Judge of the first Judicial Circuit for the term prescribed by law.

The two houses then proceeded to the election of a Judge of the County Court for Shelby county Charles R. Gibbs & Samuel Brazier being in nomination

Those who voted for Mr Gibbs are

Mssrs Ashurst, Clarke, Dailey, Dent, Farrar, Hudson, Jones, King, Lloyd, McAlister, McConnell, McKay, Olwin, Phillips, Rice, Rogers, Rose, Smith, Terry, Thornton, Toulmin, Turner, Watson & Womack of the Senate, & Mssrs Speaker, Adams, Ashurst, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Campbell, Clemens, Crenshaw, Davidson Davis of B., Davis of L., Doster, Fleming, Griffin of M., Griffin of S., ~~Griffin~~ Hale, Hall, Hollinger, Hunter, Inge, Jemison, Jones, Kidd, King, Langdon, Little, Manguem, Mallard, Mann, McCoy, McLemore, Mitchell, Moon of Mad. Moon of Mar. Moore, Norris, Norwood, Pegues, Perkins, Peters, Peterson, Pierce, Pyron, Reynolds, Shanks, Simmons, Spruill, Strode, Walker of L. Wann, Williams, Winston of D., Winston of L., Womack, Wynn, & Young.

Those who voted for Mr Brazier are

Mssrs President & Creagh, of the Senate, Mssrs Adrian, Alexander, Cobb, Davis of A., Dixon, Fowler, Hill, Houston, Hughes, Kelly, Marchbanks, McKay, McClanahan, McCullough, McMillion of B., McMillion of J., Randolph, Rice, Roberts, Rufell, Smith of J., Stone, & Wilson.

Mr Gibbs having received a majority of the votes given Mr Speaker declared him duly elected Judge of the County Court of Shelby county for the term prescribed by law.

The house adjourned until four o'clock this evening

Afternoon Sesion 4 o:clock

The House met pursuant to adjournment

The bill to raise a fund for the payment of jurors for the county of Pike approved Dec. 21. 1860 & for other purposes was read the second time

Mr Simmons moved to strike out the second section which was lost

It was ordered to be engrossed for a third reading

A mesage from the governor by Mr Garrett

Mr Speaker

I am instructed by his excellency the governor to inform your honorable body that he has approved & signed bills of the following titles, to wit:

An act to amend the charters of the Bank of Mobile & the Planters & Merchants bank of Mobile.

An act to amend an act entitled an act to authorise the commissioners of township 16. range 17 of Montgomery county to erect a suitable building for an academy

An act to establish the permanent seat of justice for the county of Russell

which originated in the House of Representatives

The bill to compensate Daniel Goree was read the second time & the constitutional rule being suspended it was read the third time forthwith & passed

Ordered that the title be as aforesaid

Ordered that the same be sent to the Senate for their concurrence

The bill to amend the charter of the city of Tuscaloosa was read the second time & the constitutional rule being suspended it was read the third time forthwith — considered as engrossed, & passed

Ordered that the title be as aforesaid

Ordered that the same be sent to the Senate for their concurrence

The bill from the Senate to compensate Elijah Hornberger was read the second time & the constitutional rule being suspended was read the third time forthwith & passed

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

The bill from the Senate to change the election precinct in the county of Dallas was read the second time

Mr Stone moved to amend it by adding an additional section — which was adopted. & the constitutional rule being suspended was read the third time forthwith & passed.

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

Joint memorial ~~& &~~ & resolutions of the General Assembly of the State of Alabama in relation to a land district in the Cherokee nation being under consideration

Mr Saunders moved that it lie on the table - which was carried

The bill from the Senate to amend the several acts in relation to public roads in the county of Mobile was read the second time & the constitutional rule being suspended was read the third time & passed.

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

The bill to provide for the liquidation of the affairs of the Bank of the State of Alabama & its branches was read the second time & re-=ferred to the Committee on the State Bank & branches

Mr Hale called up the memorial & joint resolutions from the Senate of the State of Alabama in relation to a land district in the Cherokee nation

The question was then put on their adoption & carried

Yeas 45

Nays 33

Those who voted in the affirmative are

Messrs Adams, Adrain, Alexander, Bell, Broughton, Cobb, Cren-=shaw, Davidson, Davis of A. Davis of L. Dixon, Fowler, Griffin of M., Hale, Houston, Jones, Kelly, Kidd, King, Marchbanks, McCoy, McClanahan, McCullough, McMillion of B., McMillion of J., Moore of Mad. Moore of Mar. Orrick, Ryan, Randolph, Reynolds, Roberts, Russell, Smith of J., Smith of L. Stone, Strode, Walker of B., Wann, Williams, Wilson, Winslow of Ld. Womack Wynn, & Young

Those who voted in the negative are

Messrs Speaker, Bates, Blount, Brown, Bradley, Davis of B., Dozier, Douglass, Fleming, Griffin of S., Hall, Hill, Hollinger, Hunter, Hutch-=inson, Jemison, Langdon, Little, Mallard, Mann, McCoy, Mitchell, Moore, Morris, Norris, Norwood, Pegues, Perkins, Peterson, Saunders, Shanks, Simmons & Spruill

Ordered that the title be as aforesaid

Ordered that the Clerk acquaint the Senate therewith

The bill to secure a homestead to every family within this State being under consideration

Mr Moore of Mad: moved that it lie on the table - which was carried.

Yeas 41

Nays 38

Those who voted in the affirmative are

Messrs Speaker, Alexander, Bell, Brown, Bradley, Broughton, David-=son

son, Davis of R., Dixon, Douglas, Fowler, Griffin of S., Hill, Hunter, Jemison, Jones, Kelly, Kidd, Langdon, McKay, McClanahan, McCoy, McCullough, McMillion of B., McMillion of J., Mitchell, Moon of Mad:, Moore, Norwood, Pegues, Pyne, Randolph, Roberts, Saunders, Smith of L., Spruill, Stone, Strode, Walker of B., Wynn, & Young.

Those who voted in the negative are Messrs Adams, Adrian, Bates, Blackshear, Blount, Cobb, Crenshaw, Davis of A., Davis of L., Doster, Fleming, Griffin of M., Hale, Hall, Hollinger, Hutchinson, Inge, King, Little, Mallard, Mann, Marchbanks, Moon of Marion, Morris, Norris, Perkins, Peters, Peterson, Pierce, Reynolds, Rufell, Shanks, Simmons, Smith of J., Wann, Williams, Wilson, & Womack.

The bill to repeal an act to establish the General ticket system in elections for representatives in Congress from the State of Alabama being under consideration

Mr Moon of Madison moved that it lie on the table - which was carried

Ayes 45
Nays 36

Those who voted in the affirmative are Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Cobb, Davis of A., Davis of L., Dixon, Douglas, Fowler, Griffin of M., Hale, Hill, Houston, Hughes, Jones, Kelly, King, Mallard, Marchbanks, McKay, McClanahan, McCullough, McMillion of B., McMillion of J., Moon of Mad., Moon of Mar., Morris, Pyne, Randolph, Reynolds, Roberts, Rufell, Saunders, Smith of J., Smith of L., Stone, Strode, Walker of B., Wann, Williams, Wilson, Winston of D., & Wynn.

Those who voted in the negative are Messrs Bates, Blount, Brown, Broughton, Crenshaw, Davidson, Davis of B., Doster, Fleming, Griffin of S., Hall, Hollinger, Hunter, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mann, McCoy, Mitchell, Moore, Norris, Norwood, Pegues, Perkins, Peters, Peterson, Pierce, Shanks, Simmons, Womack, & Young.

Mr Langdon moved that the House adjourn until tomorrow morning nine o'clock - which was lost

Ayes 18
Nays 61

Those who voted in the affirmative are
Messrs. Bates, Bell, Blount, Broughton, Davidson, Dozier, Hutchinson, Ingr, Jemison, Kidd, Langdon, Mann, McCoy, Mitchell, Norris, Perkins, Price, & Womack,

Those who voted in the negative are
Messrs Speaker, Adams, Adrian, Alexander, Blackshear, Bowen, Clemens, Cobb, Crenshaw, Davis of A., Davis of B., Davis of L., Dixon, Douglass, Fleming, Fowler, Griffin of M., Griffin of S., Hale, Hall, Hill, Hollinger, Houston, Hunter, Jones, Kelly, King, Little, Mallard, Marchbanks, McClanahan, McCullough, McMillion of B., McMillion of J., Moore of Med., Moore of Mar., Moore, Morris, Norwood, Pyne, Randolph, Reynolds, Rice, Roberts, Rozell, Saunders, Shanks, Simmons, Smith of J., Smith of L., Spruill, Stone, Strode, Walker of B., Walker of L., Ware, Williams Wilson, Winston of S., Wynn, & Young.

A message from the Senate by Mr Clitherall

Mr Speaker

The Senate has concurred in the amendments of the House of Representatives to the bill intitled an act for a special election for electing members to the 27th Congress & for other purposes, & has ennexed the amendment of the House of Representatives as therein shown on which the concurrence of the House of Representatives is requested.

The House resumed the consideration of the bill from the Senate for a special election for electing members to the 27th Congress & for other purposes

The question was to concur in the amendments made by the Senate to the amendment made by the House of Representatives to said bill

Mr Clemens moved the previous question - which call was sustained

The question was then put to concur, & lost

Yeas 9.
Nays 76

The yeas & nays being desired - Those who voted in the affirmative are Messrs Davis of A., Davis of L., Fowler, Kelly, McClanahan, Saunders, Smith of L., Walker of B., & Ware.

Those who voted in the negative are Messrs Speaker, Adams, Adrian, Alexander, Bates, Bell, Blackshear, Blount, Bowen, Bradley, Broughton, Clemens, Cobb, Crenshaw, Davidson, Davis of B., Dixon, Dozier, Douglass, Fleming, Griffin of M., Griffin of S., Hale, Hall, Hill, Hollinger, Houston, Hunter, Hutchinson, Ingr, Jemison, Jones, Kidd, King, Langdon, Little, Mallard, Mann, Marchbanks, McCay, McCoy, McCullough, McMillion of B., McMillion of J., Moore of Mid., Moore of Mar., Moore, Morris, Norris, Norwood, Pyne

Perkins, Peters, Peterson, Rhines, Ryan, Randolph, Reynolds, Rice, Roberts, Rufell, Shanks, Simmons, Smith of J., Walker of L., Williams, Wilson, Winston of D., Winston of S., Womack Wynn, & Young.

Mr Moon of Mad. introduced the following preamble & resolutions.

Whereas the honorable Samuel Walker, a member from the county of Madison, & formerly the Speaker of this House hath departed this life since the adjournment of the last session of the General Assembly

And whereas this House, entertaining a high regard for the memory of the deceased, deeply deplore his death

Therefore, Be it resolved, unanimously, that this House sympathise most sincerely with the family & friends of the deceased in this mournful dispensation of Providence

2. Resolved that as a mark of respect for the memory of the deceased & regard for his private & public worth, the members of this House will wear crape on the left arm for thirty days

3. Resolved, that the Speaker of this House adress a letter of condolence to the family of the deceased, accompanied with a copy of the foregoing preamble & resolutions

Which were unanimously adopted

And then the House adjourned, until tomorrow morning nine o'clock.

Tuesday April 27, 1841.

The House met pursuant to adjournment

Mr Moore of Mad: presented the petition of sundry Citizens of Marion County, which was read & ordered to lie on the table.

Mr Adams presented the petition of M. K. Elliott a Citizen of Blount County, which was read, and referred to the Committee Counties of the delegations of Blount & Marshall Counties —

Mr. Hill from the Committee on accounts to which was referred the account of Winston R. Cutler reported that it is inexpedient to legislate on the subject, and ask leave to be discharged from the further Consideration of the same, which was Concurred in.

Mr Hill from the Committee on accounts to which was referred the account of D. L. Cohen, reported the same back to the House as not properly authenticated — the report was laid on the table

Mr Hill from the same Committee, to which was referred the account of D. Lacey & Co, reported it as not properly authenticated, in which report the House Concurred

Mr Hill from the same Committee to which was referred the petition of James A Branch reported the same as improperly authenticated and asked to be discharged from the further Consideration of the subject in which the House Concurred

Mr Hill from the same Committee to which was referred the account of Paul Robinson, reported the same as being a County Charge and asked to be discharged from the farther Consideration of the subject in which the House Concurred the report was laid on the table

Mr Hill from the same Committee to which was referred the account of T P Simmons reported that it is inexpedient to legislate upon the subject.

The report was laid on the table

Mr Hill from the same Committee to which was referred the account of R. Whiting, reported that it is not properly authenticated, in which report the House Concurred

On motion of Mr Williams,

Resolved, That the Secretary of State furnish a statement of the white and Slave population of each County in this State according to the late Census of 1840 if Complete, if not, so

far as the same has been received from the Senate to accompany the acts and journals of this Session

The Bill to Provide for the removal of the Branch of the Bank of the State of Alabama at Decatur & for other purposes being under consideration

Mr Moore of Madison moved to lay the Bill on the table which was carried

Mr Broughton from the Select Committee to which was referred a petition from sundry citizens of Monroe County Praying a Special Session of the Circuit Court in said County reported that inasmuch as it is Contrary to the Sturm and expressed wish of a large majority of the Citizens of said County it is inexpedient to legislate upon the subject in which report the House Concurred

Mr Hill from the Com on accounts reported a Bill to Compensate Certain persons therein named it was read the first and second times forthwith

Mr Bates moved to amend by an additional section which was carried

Mr Jemison moved to amend by section, which was adopted

Mr Morris moved to amend by section, which was adopted

Mr Hill moved to amend by section, which was adopted

Mr Mitchell moved to amend by section which was adopted

Mr Austin moved to amend by section, which was adopted,

The Bill was then ordered to be engrossed for a 3rd reading

A Message from the Senate by Mr Clitherall

Mr Speaker

The Senate has passed a Bill which originated in the House of Reps

An act to alter and amend the several acts in relation to public roads in the County of Pickens

The Senate has also Concurred in the amendments made by the House of Reps

to a Bill originating in the Senate entitled an act for the relief of purchasers of 16th Sections in this State

The Senate also Concurs in the amendments made by the House of Reps to the Bill originating in the Senate entitled an act to change an election precinct in the County of Dallas & for other purposes

Mr Smith of L. moved to re-Consider the vote on the adoption of the memorial to establish a Land district in the Cherokee nation.

Message from the Governor by Mr Garrett.

Executive Department
Pus Kalaosa April 27-1841

Sir - I have the honor to inform the House of Representatives, that the Hon. John A. Rose did on the 26th Inst resign the office of Judge of the County Court of Franklin County, and that said office is now vacant

(Signed) A. P. Bagby

Hon R. H. Baker
Speaker of H of R

Mr Mitchell from the Com on Enrolled Bills reported as Correctly enrolled Bills of the following titles

An act to abolish encampment drills in the 10th Brigade of Alabama Militia

An act to amend the Charters of the Bank of Mobile & the Planters & Merchants Bank of Mobile

An act to authorize Attorneys at Law residing in the Territory of Florida to practice law in the Several Courts of this State

Mr Walker of L. moved to re-Consider the vote taken yesterday on the Bill to pay the members & officers of the General Assembly - which was lost

Mr Moore of Madison made the following report

The Committee on the State Bank & Branches to which was referred a resolution that the Com. on the State Bank and Branches be instructed to enquire into the expediency of the several Banks of this State making Some discount to relieve the distresses of a Suffering Community, also to allow the President and Directors of the several Banks of this State further time for the resumption of their payments

with leave to report by Bill or otherwise, have had the same under Consideration, and have instructed me to report that the President and Directors of the several Banks in this State are not restricted by any law of the State from granting discounts whenever they may deem it Consistent with the interest of the Banks and the People to do so— and that Correct legislation would forbid taking the Power from the President and Directors of our Banking Institutions where it has been properly placed by the law and who are presumed to be competent to manage them much better, as regards their Condition to grant discounts, than the Legislature possibly Can be, meeting as they usually do but once a year— As regards the second Branch of the resolution, they have already reported a Bill which has passed this House embracing the subjects of inquiry, they therefore ask to be discharged from the further Consideration of the subject, in which the House Concurred

Mr Strode from the Select Committee to whom was refered the petition of sundry Citizens of Decatur, reported

A Bill to amend the Charter of the Town of Decatur, which was read, the rule was dispended the Bill was read a 2nd time, Considered as Engrossed, read a third time & Passed

Ordered that the same be Sent to the Senate for its Concurrence

Mr Clements offered the following resolution.

Resolved— That the Select Committee to whom was referred the Bill altering the Charter of the City of Mobile, so as to take away the Property Qualification of voters for Common Council were be instructed to report the same back to the House forthwith—

Mr Perkins moved to amend the resolution by adding to the resolution the words "which bill Came into the hands of the Chairman nearly one hour past during which time the House was in Session"—

Mr Moores of Marengo moved that the resolution lie on the table which was lost

Yeas 36 Nays 39

Yeas- Messrs Barrow, Bates, Bell, Blount, Bowen, Bradley, Broughton Campbell, Cranshaw, Davis of B. Dostar, Fleming, Griffin of S Hall, Hallinger, Hunter, Hutchinson, Inge, Kidd, Little, Mangum, Mann, McCoy, McLemore, Moore of Marion Moore, Norris, Norwood, Pequese, Perkins, Peters, Price Simmons, Spruill, Womack and Young 36-

Nays- Messrs Adams, Adrian, Alexander, Blackshear Clements, Cobb, Davis of A. Davis of L. Dixon, Douglass Griffin of M. Hale, Hill, Hairston, Kelly, Kidd, Mallard Marchbanks, McCay, McClannahan, McCullough, McMillion of B. McMillion of J. Moore of Madison, Pyne, Randolph, Reynolds, Roberts, Russell, Saunders, Smith of J. Smith of L. Stone, Strode, Walker of B. Walker of L. Williams, Wilson, Winston of D. and Wynn 39

Message from the Senate by Mr Chitherall Mr Speaker-

The Senate has adopted the following resolution in which the Concurrence of the House of Representatives is asked- to wit-

Resolved- That with the Concurrence of the House of Reps the two houses will assemble in the Hall of the House on this day (Tuesday 27th inst) at the hour of 12 O'clock noon for the purpose of electing a Judge for the County Court of Franklin-

Mr Reynolds moved to strike out 12 "O'clock M." for the purpose of inserting "4 O'clock P.M." which was carried- the resolution as amended was Concurred in-

Message from the Senate by Mr Chitherall Mr Speaker,

The Senate has receded from its amendment to the Bill entitled an act for a Special election for electing members to the 27th Congress & for other purposes, and has Concurred in the amendment of the House of Reps

The Senate has Concurred in the amendment made by the ~~Senate~~ to Bills of the following titles

An act to incorporate the Benton Guards

An act to extend the provisions of the first Section of an act to extend the time of indebtedness to the Bank of the State of Alabama and its several Branches

The Senate has also concurred in the amendments of the House to the Joint resolution of the State of Alabama in General assembly Convened

on motion of B. from the Com on Enrolled Bills reported as Correctly enrolled

an act for the relief of Purchasers of Certain 16th Sections in this State

an act to change an election precinct in the County of Dallas & for other purposes

an act amendatory of an act entitled an act to alter and amend the law for assessing and Collecting the taxes in the County of Butler

on Motion introduced joint resolutions Concerning Purchasers of 16th Sections which were read the rule was dispensed with the resolutions were read a second time forthwith Considered as engrossed read a 3rd time & adopted

ordered that the Clerk inform the Senate

on Clemens asked leave of the House to enter upon the journals of this session his dissent from that portion of the report of the Judiciary Committee of the last session which recommended a Southern Convention "at such time and place as may be deemed most advisable in order that we may be able upon full Consultation with each what rights are on the same footing with our own to adopt the most effectual measures for our mutual safety and happiness and also from the 5th resolution recommended by the Committee which is in these words

"Be it further resolved That in view of the dissolution manifested in many quarters and in such variety of

ways to interfere with the question of domestic Slavery in those States where it exists, under the sanction of the Constitution, it is respectfully recommended to the people of the Slave-holding States to hold a Convention at an early period and at such Place as may be deemed most advisable, to consider those rights which stand upon the same footing, upon full Consultation, to adopt the most effectual Constitutional measures for their mutual Safety & happiness

The House then took up the orders of the day

The Bill to incorporate the Warrenton male & Female academy in the County of Dallas was read the 1st 2nd and 3rd times forthwith and passed

ordered that the Bill be sent to the Senate

The Bill from the Senate for the payment of the members of the General assembly & for other purposes was read a 3rd time & passed

and then the House adjourned till 4 o'clock P.M.

Afternoon Session
4 o'clock P.M.

House met &c

Mr Mitchell from the Com. on Enrolled Bills reported as Correctly enrolled

an act for the payment of the members of the present General assembly & for other purposes

an act to authorize the owners of the Steam mill on Poplar Creek in the County of Franklin to charge a toll for toll

an act to compensate Elijah Hamburger

an act for the collection of taxes in the County of Macon and for other purposes

an act for a special election for electing members to the 27th Congress & for other purposes

Preamble and Joint resolutions
of the General assembly of the State
of Alabama

Joint resolutions of the
General assembly Concerning Am-
-endments of 16th Sections

an act to change the time
for holding the Chancery Court
for the Southern division at Monroeville

an act to Compensate Daniel
Goree

an act to incorporate the
Marengo male & Female academy

an act to amend the
Charter of the City of Tuscaloosa

The Enrolled Bill to provide
for the payment of Jurors in the
County of Pike &c was read a
3rd time & passed

Ordered that the Bill be sent
to the Senate

Message from the Senate by
Mr Chitwood

Mr Speaker

The Senate has adopted the
following resolution

Resolved—That with the Con-
=Currence of the H of Repts the Hrs have
with adjourn this day, on this day
at 10 o'Clock PM

The Senate has passed Bills
of the following titles, which originated
in the House of Reps

An act to amend the Charter
of the City of Tuscaloosa

an act to Compensate
Daniel Goree

An act to amend the
Charter of the Town of Decatur, amended
as therein therein, & extend also amended
and An act to incorporate the Mar-
=engo Male & Female academy in
the County of Dallas, also

Joint resolutions of the General
Assembly Concerning Amendments of 16th
Sections amended as therein therein

The amendment of the Senate to the Bill to amend the Charter of the Town of Decatur was concurred in

The resolution from the Senate proposing that the two houses adjourn sine die on this day being under consideration

On Mr Hutchinson moved to amend by striking out "10 o'clock PM" this day and inserting "1 o'clock PM to morrow which was lost Yeas 33 - Nays 42

Yeas Messrs Speaker, Adcock, Alexander, Barron, Blount, Coleman, Leachman, Davis of M, Davis of L, Dixon, Dozier, Douglass, Fleming, Griffin of S, Hale, Hunter, Hutchison, Ings, McCoy, McCullough, McMillan of Perkins, Reynolds, Rice, Roberts, Russell, Smith of S, Stone, Walker of L, Wann, Winston of M - Messrs Adams, Ashurst, Bate, Bell, Blackshear, Bowen, Broughton, Cobb, Davidson, Davis of B, Fowler, Griffin of M, Hall, Hill, Hollinger, Jemison, Judd, King, Langdon, Mangum, Mallard, Mann, McClanahan, McMillan of B, Moore of Madison, Moores, Morris, Norris, Norwood, Owens, Pynes, Randolph, Shanks, Simmons, Smith of L, Spruill, Williams, Wilson, Winston of D, Womack, Wynn & Young

On motion of Mr Walker of L moved that the resolution lie on the table which was carried

The amendments made by the Senate to the joint resolutions Concerning the purchase of 16th Section were Concurred in

The Engrossed Bill for the relief of Charles A Hopkins was read a 3rd time & passed

Ordered that the Clerk inform the Senate

The Engrossed Bill to increase the revenue fund was read a 3rd time & passed

Ordered that the Clerk inform the Senate

On motion of Mr Jemison

Resolved that the Clerk of this House be authorized to employ such assistant Clerks as may be necessary to complete the unfinished business of this Session

The Engrossed Bill to levy a Special tax for the County of Pines Cove was read a 2nd & 3rd times forthwith and passed—

—The Bill to repeal in part an act in relation to 11th district was read a 2nd & 3rd times forthwith & passed

—The Bill to declare Bear Creek a public highway was read a 2nd and 3rd times forthwith and passed

—The Bill to amend the laws in relation to the Harbor of Mobile was read a 2nd & 3rd times forthwith & passed

Ordered That the Clerk inform the Senate

The Bill to amend the Charters of the Bank of the State of Alabama and the several Branches thereof in regard to the Collection of debts & other purposes being under Consideration,

Mr Hutchinson moved to amend by inserting or "any other person or persons" after the word "Branches" in the 6th line which was carried—

On a motion to suspend the Constitutional rules and give the Bill its 3rd reading forthwith, the yeas & nays were demanded, Yeas 31 Nays 31

Yeas—Messrs Bell, Blount, Bowen, Broughton, Davis of A. Davis of L. Dixon, Dorsey, Dowler, Griffin of M. Hall, Hunter, Mangum, Mallard, McClay, McClannahan, McCullough, McMillan of B. McMillan of D.— more of Madison, Morris, Perkins, Pynes, Randolph, Reynolds, Smith of D. Stone, Walker of B. Walker of L. Winston of S. and Wynn 31

Nays—Messrs Adams—Adrian, Alexander, Ashurst, Barron, Bates, Campbell, Clemens, Cobb, Crenshaw, Davidson, Davis of B. Douglass, Griffin of S. Hale, Hollinger, Hutchinson, Inge, Jarnigan, King, Mangum, McCoy, McLemore, Morris, Norris, Norwood, Prince, Rice, Roberts, Shank, Smith of L. Strode, Ware, Wilson, Winston of D. & Womack 36—

Mr Morris moved to amend by Proviso—The Bill was referred to the Com on the State Bank & Branches

The Bill to change the time of holding the Chancery Court for the Southern division at Monroeville, was read the 2nd & 3rd time forthwith & passed

The Bill to regulate damages in the Supreme, Circuit & County was read a second time.

Upon a question of order Mr Speaker decided that while a vote is being taken it is out of order to call for the yeas & nays

Mr Reynolds appealed from the decision, and the Chair was not sustained,—Yeas 11—Nays 44—

Yeas Messrs Alexander, Davis of L. Dixon, Douglass, King, McCoy, McCullough, Saunders, Smith of L. Walker of L. & Winston of S.—11

Nays—Messrs Adrian, Ashurst, Barron, Bates, Bell, Blackshear, Blount, Bowen, Broughton, Campbell, Cobb, Davidson, Davis of A. Davis of B. Dorsey, Fleming, Griffin of M. Griffin of S. Hale, Hollinger, Hutchinson, Jernigan, King, Langdon, Mangum, McClannahan, McLemore, McMillan of B. Morris, Norris, Norwood, Perkins, Peters, Prince, Pynes, Randolph, Reynolds, Roberts, Shanks, Smith of L. Strode, Ware, Wilson, Winston of D. Womack & Young 44

The question then recurred on ordering the Bill to a 3rd reading—the yeas & nays were demanded

Yeas 26—Nays 27—

Yeas—Messrs Ashurst, Barron, Bates, Bell, Blount, Campbell, Cobb, Davidson, Davis of A. Davis of B. Davis of L. Dorsey, Fleming, Fowler, Griffin of M. Griffin of S. Hale, Hall, Hollinger, Hutchinson, King, Langdon, Mangum, Morris, Norris, Norwood, Perkins, Prince, Reynolds, Simmons, Strode, Walker of L. Wilson, Womack & Young 36—

ays— Messrs Speaker, Adams, Adrian, Alexander
Bowen, Broughton, Branham, Dixon, Douglass
Hunter, Inge, McClannahan, McCullough
Smithson of J. Moore of Madison, Pynes
Randolph, Rice, Roberts, Saunders, Shanks
Smith of J. Smith of L. Stone, Walker of B.
Wann, Winston of D. Winston of S-27

The Bill was ordered to be engrossed for a 3rd reading

And then the House adjourned until to-morrow morning half past 8 o'clock

Wednesday April 28—1841

House met &c

Mr Mitchell from the Committee on enrolled Bills reported as Correctly enrolled

an act for the payment of the members of the present General assembly and for other purposes

an act to authorize the owners of the Steam mill on Poplar Creek in Franklin County to change the site for toll

An act to Compensate Elijah Hornburger

an act for the Collection of taxes in the County of Marengo & for other purposes

an act for a special election for electing members to the 27th Congress & for other purposes

Preamble & Joint resolutions of the General assembly of the State of Alabama

Joint resolutions of the General assembly Concerning the Purchase of 16th sections

An act to change the time of holding the Chancery Court for the Southern division at Monroeville

An act to Compensate Dan'l Goree

An act to incorporate the Warrenton Male & Female Academy

an act to amend the Charter of the City of Tuscaloosa

The Engrossed Bill to be entitled an act to provide for the payment of certain Claims against the State was read a third time & and on the question "Shall the Bill Pass?" the yeas & nays were demanded—

Those who voted in the affirmative are Messrs Speaker Adrian, Ashurst-Bates, Blount, Campbell, Clemens, Cobb, Davis of L. Dostie, Griffin of S. Hale, Hollinger, Hunter, Inge, Kidd, Langdon, Mann, McCoy, McCoy, McLemore, Mitchell, Moore, Prince, Randolph, Reynolds, Russell, Shanks, Strode, & Minton of S-2

Those who voted in the negative are Messrs Bowen, Counham, Davis of A. Douglass, Fleming, Griffin of N. Hall, McCullough, Simmons, Smith of Smith of L. Wann, Wilson & Womack 14

So quorum present.-

A quorum then assembled & the vote was again taken upon the passage of the Bill-to provide for the payment of claims against the State

Yeas-Messrs Speaker Adrian ~~[illegible]~~ Ashurst, Barron, Bates, Bell, Blount, Broughton, Campbell, Clemens, Cobb, Counham, Davis of L. Dostie, Fowler, Griffin of L. Hale, Hall, Hollinger, Hunter, Inge, Langdon, Mann, McCoy, McCoy, McLemore, McMillan of B. Mitchell, Moore, Norris, Norwood, Perkins, Peters, Prince, Randolph, Reynolds, Roberts, Simmons, Smith of L. Strode, Womack, Wynn & Young 43

Nays-Messrs Adams, Alexander, Davis of D. Douglass, Fleming, Griffin of N. McClannahan, McCullough, Smith of L. & Minton of D.

The Bill Passed

Ordered That the Clerk inform the Senate.

Mr Smith of L. from the Select Com. to which was referred a Bill to repeal a portion of the Charter of the City of Mobile, reported the same back to the House & Report recommended its passage

On the question shall the Bill be ordered to a 3rd reading on tomorrow the yeas & nays were demanded & ordered

Yeas-Messrs Adams, Adrian, Alexander, Broughton, Cobb, Counham, Davis of A. Davis of D. Douglass, Hutchinson, McClannahan, McLemore, Norris, Randolph, Reynolds, Rice, Roberts, Smith of L. Smith of L. Strode, Wilson, Minton of S. Womack, Wynn — 24

Nays-Mr Speaker, Barron, Bates, Blount, Bowen, Austin, Bufe, Langdon, Mitchell, Moore, Prince,

No Groom present

Mr Mitchell from the Committee on Enrolled Bills reported as correctly enrolled Bills of the following title.

An act to alter and amend the several acts in relation to the public roads in the County of Mobile

An act incorporating the Burton Guards & for other purposes

Joint resolutions of the Legislature of the State of Alabama in General Assembly Convened

An act to incorporate & extend the Powers of the Alabama Medical Society

An act to amend an act entitled an act to incorporate the town of Decatur in the County of Morgan

An act to increase the revenue fund

An act to levy a special tax in the County of Sumpter

An act to amend the laws in relation to the Harbour of Mobile

An act to repeal an act entitled to raise a fund for the Payment of Jurors for the County of Pike

Message from the House by Mr Whitwell

Mr Speaker

The House has passed Bills of the following titles which originated in the House of Reps

An act to change the time of holding the Chancery Court for the Southern division at Monroeville

An act to repeal an act entitled an act to raise a fund for the Payment of Jurors in the County of Pike & for other purposes, amended as therein shewn

An act to increase the Revenue fund

An act to amend the laws in relation to the Harbor of Mobile

An act to levy a Special tax in the County of Sunflower

Message from the Governor by L D Bailey Esqr

Mr Speaker

I am instructed by the Governor to inform your honorable body that he has this day approved & signed Bills of the following title

An act to authorize attorneys at Law residing in the Penitentiary of Alabama to practice Law in the several Courts of this State

Joint resolutions of the General Assembly Concerning Purchasing of Lots &c

An act Changing the time of holding the Chancery Court for the Southern Division at Monticello

An act to Consolidate Dauphin Street

An act to amend the Charter of the City of Tuscaloosa

An act to incorporate the Warren Male & Female Academy in the County of Dallas

An act to amend the several acts in relation to Public roads in the County of Mobile

Message from the Senate by Mr Cleveland

Mr Speaker The Senate has adopted the following resolves

Resolved - That with the Concurrence of the House of Reps the two houses will adjourn this day 28th Inst at 12 o'Clock this die — also

Resolved - That there be a Committee of three Senators appointed to act jointly with the Committee as is or may be appointed on the part of the House of Reps to wait on his excellency the Governor and inform him that the two houses have completed the business before them, and are now to adjourn this die if he has no further Communication to make to them — Messrs McKay Thornton & Rice were appointed said Committee on the part of the Senate —

On the question of Concurrence in the resolves from the Senate the yeas & nays were announced

Yeas — Messrs Speaker, Adams, Adair, Alexander, Bell, Blackwell, Blount, Brown, Broughton, Campbell, Cobb, Cunningham, Davis of Dallas, Davis of B. Davis of L. Dixon, Dorsey, Douglass, Fleming, Ford, Griffin of M. Griffin of S. Hale, Hall, Hunter, Huntsville, Irby, Kidd, King, Langdon, Mann, McClannahan, McKay, McCall, McMillion of D. Mitchell, Moore of Madison, Morrison, Norris,